



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

March 18, 2011

Bob Carey, Director
Federal Voting Assistance Program
Department of Defense
1777 North Kent Street
14th Floor, Suite 14003
Arlington, VA 22209-2162

VIA E-MAIL

Dear Director Carey:

The purpose of this final report is for the Commonwealth of Massachusetts to provide any additional information relevant to the effectiveness of the Comprehensive Plan, including information showing quantitatively the results of the Plan and how the plan provided UOCAVA voters sufficient opportunity to receive, vote and return their ballots.

The final report is divided into 4 sections:

- Section I – Summary of Comprehensive Plan's Effectiveness
- Section II – Quantitative Results of Comprehensive Plan
- Section III – Narrative Explaining How Comprehensive Plan Provided UOCAVA Voters Sufficient Opportunity to Receive, Vote and Return Their Ballots
- Section IV – Conclusion

Section I: Summary of Comprehensive Plan's Effectiveness

The Comprehensive Plan submitted by Massachusetts, which included using expedited mail, allowing for the electronic transmission and return of absentee ballots, the late-counting of ballots mailed from outside of the United States, was successful. In particular, the return rate of ballots for active duty military personnel increased over past years. In 2010, the return rate for ballots from active duty military was 89%, a significant increase over the 2008 return rate of 69%. With the procedures put into place prior to the 2010 election, UOCAVA voters had sufficient time to receive, vote and return their absentee ballots.

Please be aware that the numbers contained in this report reflect absentee ballots sent and received to all UOCAVA voters and is not limited to those voters who applied at least 45 days before the election, which is the standard used in the MOVE Act.

Section II: Quantitative Results of Comprehensive Plan

For the 2010 election, municipalities in Massachusetts sent ballots to 2,797 UOCAVA voters. Of those ballots sent, 1,907 were returned and 1,846 were counted. Only 61 ballots were rejected while 576 were not returned.

For active duty military:

- 472 ballots were sent
 - 7 were sent via fax
 - 98 were sent via e-mail
- 418 were received back
 - 14 were received via fax
 - 56 were received via e-mail
- 400 were counted
- 3 Rejected because no signature
- 1 Rejected because of incomplete ballot envelope
- 9 Returned as undeliverable
- 1 Received too late
- 21 FWABs received
 - 7 were received via fax
 - 7 were received via e-mail
- 21 FWABs counted

For overseas citizens:

- 2,229 ballots were sent
 - 24 were sent via fax
 - 666 were sent via e-mail
- 1464 were received back
 - 97 were received via fax
 - 387 were received via e-mail
- 1439 were counted
- 6 Rejected because no signature
- 8 Returned as undeliverable
- 3 Received too late
- 53 FWABs submitted
 - 18 were received via fax
 - 25 were received via e-mail
- 53 FWABs counted

Section III – Narrative Explaining How Comprehensive Plan Provided UOCAVA Voters Sufficient Opportunity to Receive, Vote and Return Their Ballots

The Commonwealth of Massachusetts undertook significant efforts to ensure that UOCAVA voters had ample opportunity to receive their ballot, mark it and return it in time to be counted for the 2010 election.

The first step of the Plan was to ensure the UOCAVA voters knew their rights and responsibilities. As MOVE removed the requirement that the Federal Post Card Application (FPCA) serve as a request for absentee ballots for two (2) federal election cycles, an FPCA submitted for the 2008 Presidential Election was not valid for the 2010 election since state law only provides for absentee ballot applications to be valid for one (1) calendar year. Accordingly, at our request, local election officials communicated with UOCAVA voters whose applications were submitted in 2008 or 2009 to notify them of the need to re-apply and provided them with a FPCA (or link to the FVAP website). Our Office provided a sample notification for use by local election officials. This laid the foundation for ensuring that UOCAVA voters had valid applications on file as well as updated addresses.

As with past federal elections, this Office provided expedited mail services to the local election officials to send absentee ballots to UOCAVA voters who indicate that their preferred method of delivery is mail. We also allowed for the UOCAVA voters to utilize the same expedited mail services to return their ballots to their local election officials. The costs of the expedited mailing services were paid by this Office for both the local election officials and the UOCAVA voters. The expedited mail service was available for all UOCAVA voters who indicate mail as a preferred method of delivery even if they applied for an absentee ballot after 45 days before the election.

For the November 2010 election, absentee ballots could be transmitted to UOCAVA voters electronically and the UOCAVA voters could return them to the local election officials electronically in the same manner as they were received. Many of the local election officials embraced this process and proactively sent e-mails to any UOCAVA voter for whom they had an e-mail address but who had not designated e-mail as a preferred method of delivery to see if they would like a ballot e-mailed to them. Many of the UOCAVA voters who received the e-mails notifying them that they could receive their ballot electronically, were excited for the new process. This Office provided all municipalities with their electronic ballot files by September 28, 2010. Once the electronic ballot files were provided to the local election officials, they immediately began transmitting to their UOCAVA voters. One local election official indicated that she e-mailed a ballot to a UOCAVA voter (non-military) and he marked it and returned it within 2 hours with a note to the clerk about how easy the process was.

Additionally, Massachusetts law allows for UOCAVA voters to use the Federal Write-In Absentee Ballot (FWAB) for all elections and offices and provides for the electronic transmission of completed FWABs. Accordingly, a UOCAVA voter could submit a FWAB at any time prior to the election, regardless of whether they ever submitted an application for a state absentee ballot.

The late counting of UOCAVA ballots, which already existed under state law, also aided in making sure UOCAVA ballots were counted. Under state law, UOCAVA voters who are outside the United States have an extra ten (10) days after the election for their marked ballots to be received by local election officials. Massachusetts General Laws chapter 54, section 95, requires local election officials to count ballots which are postmarked from outside the United States on or before election day and received within ten (10) days after the election.

Because of the processes implemented in accordance with the Plan, UOCAVA voters from Massachusetts had sufficient opportunities to receive, mark and return their ballots for the November 2010 election, even though the physical paper ballots were not available 45 days before the election.

Section IV – Conclusion

By implementing the Plan, which included using expedited mail, allowing for the electronic transmission and return of absentee ballots, the late-counting of ballots mailed from outside of the United States, this Office provided an effective means for UOCAVA voters who apply for an absentee ballot more than 45 days before the November 2, 2010 election to receive, vote and return their absentee ballot. While the Massachusetts election laws did not establish a 45 day availability of absentee ballots for absent uniformed services voters and overseas voters, the recent statutory changes and the comprehensive procedures established by this Office provided UOCAVA voters with ample time to receive their ballots, mark them and return them allowing their votes to count. This Office remains committed to ensuring UOCAVA voters have the ability to vote no matter where in the world they are located.

I hope this information is helpful and please do not hesitate to contact me with any questions.

Very truly yours,

Michelle K. Tassinari
Director/Legal Counsel
Elections Division