



FEDERAL VOTING ASSISTANCE PROGRAM

Department of Defense  
Rosslyn Plaza North  
1777 North Kent Street  
14<sup>th</sup> Floor, Suite 14003  
Arlington, VA 22209-2162

May 20, 2010

Mr. Robert H. Brehm  
Co-Executive Director  
State Board of Elections  
40 Steuben Street  
Albany, NY 12207-2108

Dear Director Brehm:

This letter acknowledges receipt of your letter dated April 23, 2010 in which New York State requests a waiver of the 45 day ballot transmission requirement under the Military and Overseas Voter Empowerment (MOVE) Act. We received your letter on April 26, 2010.

Our preliminary review of your submission indicates that it provides most of the information needed for us to consider your request for a waiver. Although the MOVE Act provides no deadline for responding to waiver requests submitted prior to the statutory window provided in the Act, the Federal Voting Assistance Program (FVAP), in consultation with the Department of Justice (DOJ), will provide you with a decision as soon as possible.

As your request is being reviewed, FVAP may need additional clarification or information regarding your plan to provide military and overseas voters with sufficient time to successfully participate in the November 2, 2010 general election. Based on our initial review, we request the following information and updates (as soon as they become available):

- Other than the outreach to local election boards you reference in your waiver request, we would be interested in any contingency plans the State has if ballots are not mailed by local election boards by October 1, 2010. In this regard, it would be helpful if you could provide more specific information regarding New York's ballot certification timetable and ballot printing process, and any options the State or local election boards may have, such as print-on-demand ballots to reduce the timeline required for having ballots ready to transmit to military and overseas voters.
- In addition to the above, please provide information on your anticipated timeline for finalizing the content for electronically-transmitted ballots, and for making that content available to FVAP or alternatively, to the State's vendor.

Please provide the name and contact information for your preferred State Election Board contact for this waiver request.

If you have any further questions, please contact me or John Godley who may be reached by email at [REDACTED] or phone at [REDACTED]

Sincerely,



Bob Carey  
Director