

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES

OFFICE OF THE SUPERVISOR OF ELECTIONS

P.O. Box 1499 • Kingshill • St. Croix • U.S. Virgin Islands 00851-1499
(340) 773-1021 Office • (340) 773-4523 (Fax)

P.O. Box 6038 • St. Thomas • U.S. Virgin Islands 00801-6038
(340) 774-3107 Office • (340) 776-2391 (Fax)

April 6, 2010

Mr. Robert Carey, Director
Federal Voting Assistance Program
Department of Defense
Office of the Under Secretary of Defense
1155 Defense Pentagon
Washington, DC 20301-1155

Dear Mr. Carey:

On October 28, 2009 the Military and Overseas Voter Empowerment Act (MOVE) was passed into law. Among the amendments is a provision requiring states to transmit absentee ballots to uniformed and overseas voters no later than 45 days prior to a federal election.

The Territory of the Virgin Islands has assessed that the Primary Election is scheduled for the second Saturday in September and the Election System of the Virgin Islands would need to apply for a waiver for the 2010 Election to meet this requirement of the Act.

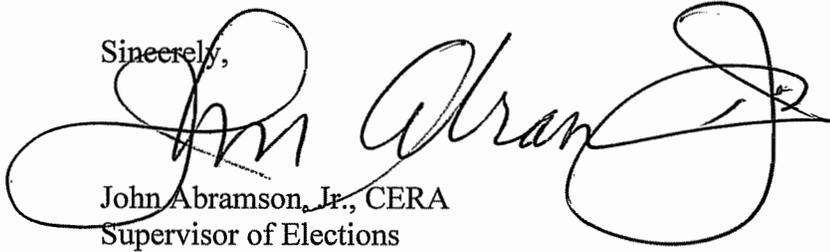
- A. The Territory's Primary Election date prohibits the Virgin Islands from complying with (a)(8)(A).
- B. It would be impossible to change the date of the Primary Election. With the limited time frame it would be very difficult to get action through the Legislature of the Virgin Islands. Changing the date of the Primary Elections in the middle of an election year would create a cascade of problems, due to the impact on a variety of statutory deadlines tied to the date of the Primary Election and the significant amount of logistical preparations that are tied to the date of the Primary Elections.
- C. The Territory will forward ballots 30 Days before the November 2, 2010 General Election.
- D. The comprehensive plan to ensure that absentee uniformed services voters and overseas voters are able to receive absentee ballots.

- (i) Specific staff will be assigned to contact absentee uniformed services voters and overseas voters who request ballots to ensure receipt. If the voter indicates that they have not received the ballot a ballot will be fax or e-mailed immediately;
- (ii) Absentee ballots received from overseas in franked envelopes, which may not be postmarked, or from persons who are members of the Armed Forces of the United States or a spouse of any member of the Armed Forces of the United States, shall be counted if they are received by the board no later than ten (10) days after the day of the election regardless of the postmark date.
- (iii) The plans provides sufficient time because the ballots can be received ten (10) days after the date of the election and still be counted

Through this correspondence the Virgin Islands is make a formal request for waiver from "The Military and Overseas Voter Empowerment Act, Public law No. 111-84 Section 102(a), this is the result of undue hardship as descibed in section 102(g) of the UOCAVA Act.

If for any reason you might have questions or need additional information, please feel free to contact me at [REDACTED] Thanking you in advance for you assistance.

Sincerely,



John Abramson, Jr., CERA
Supervisor of Elections

cc: Honorable John de Jongh
Governor of the Virgin Islands

Members of the Joint Boards of Elections

Vincent Frazer, Esq
Attorney General of the Virgin Islands

T. Christian Herren, Jr.
U.S. Department of Justice
Acting Chief