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Secretary of State  
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March 2, 2011

Robert Carey  
Director, Federal Voting Assistance Program  
U.S. Department of Defense  
Rosslyn Plaza North  
1777 North Kent Street, Suite 14003  
Arlington, VA 22209-2162

RE: Final Report on Washington State's MOVE Act Waiver

Dear  Director Carey,

On August 27, 2010, Washington State received a waiver from the MOVE Act requirement of mailing ballots to UOCAVA voters at least 45 days before the November 2, 2010 General Election. This letter and its attachments include the post election report requested by your office on September 28, 2010.

Methods of Ballot Delivery:

Washington UOCAVA voters had the option of receiving their blank ballot by email, postal mail, or fax. A ballot delivered by email was provided as either:

- An attachment to the email, such as a .pdf document; or
- A link to a website where the ballot was available for download.

Even prior to passage of the MOVE Act, Washington counties with large UOCAVA populations had been issuing ballots by email or fax since the early 1990's.

Following the passage of the MOVE Act, the Secretary of State's Office surveyed Washington's 48,000 UOCAVA voters to ask if they would prefer to receive their ballot by email or postal mail. Approximately 21% of the voters responded. Of those who responded, approximately 54% prefer to receive their ballot by email, and 46% prefer to receive their ballot by postal mail. These preferences will be honored for future elections until the voter notifies the county elections office otherwise.

Timing of Ballot Delivery:

As of October 1, 2010, Washington had approximately 48,789 UOCAVA registered voters. Because Washington votes by mail, *all* voters are treated as having requested an absentee ballot at least 45 days before Election Day, the trigger in the MOVE Act. Ballots were issued according to the voter's preference.

Washington requested the hardship waiver due to the compressed time scheduled between certification of the Primary on September 7 and the 45 day mail-out deadline on September 18. Despite this tight timeframe, many Washington counties were able to issue ballots by the September 18 deadline. Ballots were issued to 35,700 UOCAVA voters by the September 18 deadline, 73% of the UOCAVA voters.

Ballots were issued to the remaining 13,089 UOCAVA voters no later than October 2, Washington's standard deadline for issuing ballots to UOCAVA voters. A total of 14,836 additional ballots were issued

by the October 2 deadline. The combined total of ballots issued by October 2 exceeds the number of voters because some voters were issued ballots by both email and postal mail.

Washington's comprehensive plan provided UOCAVA voters with sufficient opportunity to receive, vote and return their ballot:

35,700 voters had a total of 66 days (45 days prior to Election Day + 21 days after Election Day);  
13,089 voters had a total of 51 days (30 days prior to Election Day + 21 days after Election Day).

By Election Day, ballots were issued to a total of 52,422 UOCAVA voters, as additional UOCAVA voters registered after September 18. Ballots were issued to these late registering voters on a rolling basis.

#### Data:

Washington is providing the requested data on UOCAVA voters and ballots. The request for data differentiates between:

- Service voters with an APO or FPO address;
- Service voters with a street address within the United States; and
- Overseas citizens.

Washington generally does not track UOCAVA voters according to these categories; unfortunately this impacts the preciseness of the data responses. Differentiating between voters based on physical address assumes that requests for an absentee ballot are submitted on an election-by-election basis, and that ballots are handled manually; neither scenario is the case in Washington. As illustration, two counties in Washington have over 10,000 UOCAVA voters, among 400,000 or 1,000,000 other absentee voters. Ballot printing, insertion and mailing, even for UOCAVA voters, is an automated process.

Additionally, some service voters do not fall under with category because they have a standing request to receive all ballots by email. The physical mailing address on file is not current and not used.

On October 6, 2010, Washington submitted the Ballot Delivery Certification Form, enclosed.

Below is a summary of the Post Election Report Form, also enclosed:

- Approximately 20,619 ballots were received in time to be counted.
- Approximately 22 ballots were received too late to be counted.
- Approximately 258 ballots were rejected for a reason other than received too late. This would include ballots in which the voter forgot to sign the declaration, the signature on the declaration does not match the signature in the voter registration file, or the voter returned a ballot by fax or email but did not return the original, which is required by state law.

Finally, enclosed please find the Individual Voter Feedback Reports. Much of the feedback relates to common questions received from all voters.

#### Legislation:

The Office of the Secretary of State introduced legislation to the 2011 Washington State Legislature to move the date of the Primary two weeks earlier, move candidate filing three weeks earlier, and require ballots to UOCAVA voters to be mailed at least 45 days before each Primary and General Election. These bills are [HB 1080](#) and [SB 5171](#). We are hopeful that this legislation will pass this legislative session.

We appreciate the assistance and in-person advocacy of Mark San Souci, a state liaison for Military Community and Family Policy in the Office of the Deputy Under Secretary of Defense.

Conclusion:

Washington comprehensive plan for transmitting absentee ballots to and from UOCAVA voters was successful. The MOVE Act requires a 45 day transit time for UOCAVA ballots. Washington exceeded this by providing a transit time of 51 – 66 days for UOCAVA ballots. In addition, Washington's policy of allowing ballots to be received for up to 21 days after the day of the General Election allows UOCAVA voters to actually vote on Election Day, which is not the case in many other states.

Sincerely,

  
Sam Reed  
Secretary of State  
State of Washington

enclosures: Absentee Ballot Delivery Certification Form, October 6, 2010  
Post Election Report Form, March 2, 2011  
Individual Voter Feedback Forms

cc: Paddy McGuire, Federal Voting Assistance Program  
United States Election Assistance Commission  
Washington State Association of County Auditors