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September 21, 2011

Mr. Robert Carey
Director, Federal Voting Assistance Program
Department of Defense
1155 Defense Pentagon
Washington, DC 20301-1155
Fax: 703-636-1352
E-mail: Robert.Carey@fvap.ncr.gov

RE: New York State MOVE Act Waiver Request – Supplemental Filing

Dear Mr. Carey:

We appreciate the opportunity that the conference call afforded us to discuss the questions posed by FVAP and the DOJ. Our responses are found in the attached supplemental filing.

We also welcome the opportunity to reiterate the concern that has prompted New York State to request a waiver. New York respectfully points out that absent a waiver, the hardships and obstacles to be faced by New York will be many. The waiver application explains that intensive negotiations between the Legislature and the Governor regarding new MOVE Act compliant primary dates for 2013 and 2014 are ongoing and the hope that an agreement will materialize before the start of legislative session in January. The application also articulates a plan including significant qualitative and quantitative outreach efforts. Without a waiver, the resources committed to the communication and other plans outlined in the application will have to be redirected to the tasks associated with inter alia; redistricting, various stages constituting ballot access, and the significant efforts needed to implement new political calendars. These would take place in addition to the ongoing election administration responsibilities already shouldered by the State.

Again, we appreciate the time taken by you, the staff of FVAP and DOJ to discuss this waiver application and we remain available to discuss elements of the plan that you believe might be improved.

Thank you for your kind consideration of this request. Please contact me with any questions or if you require additional information.

Sincerely,

Robert A. Brehm
Co-Executive Director
Chief Election Official

RAB/dsm

Enclosure

cc: Hon. Andrew Cuomo, Governor
Hon. Thomas P. DiNapoli, Comptroller
Hon. Eric Schneiderman, Attorney General
Hon. Sheldon Silver, Assembly Speaker
Hon. Dean G. Skelos, Senate President Pro Tempore and Majority Leader
Hon. John L. Sampson, Senate Minority Leader
Hon. Brian Kolb, Assembly Minority Leader
Hon. Michael Cusick, Chair, Assembly Election Law Committee
Hon. Thomas F. O'Mara, Chair, Senate Election Law Committee
Hon. Joseph P. Addabbo, Jr., Senate Election Law Committee
Hon. Kevin Smardz, Assembly Election Law Committee
Hon. Thomas R. Wilkey, Executive Director, Election Assistance Commission
Hon. Douglas A. Kellner, Co-Chair, New York State Board of Elections
Hon. James A. Walsh, Co-Chair, New York State Board of Elections
Hon. Evelyn J. Aquila, Commissioner, New York State Board of Elections
Hon. Gregory P. Peterson, Commissioner, New York State Board of Elections
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