FEDERAL VOTING ASSISTANCE PROGRAM
DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

December 18, 2006

The Honorable Susan Bysiewicz
Secretary of State
Office of the Secretary of State
State Capitol, Room 104
Hartford, CT 06106

Dear Secretary Bysiewicz,

I would like to thank you for the work you have done over the past several years to promote and support the legislative initiatives the Federal Voting Assistance Program (FVAP) has recommended. The 2006 elections pointed out the importance of the states enacting these legislative initiatives. In particular, the provision of 45 or more days for ballot transit; electronic transmission of Federal Post Card Applications, blank ballots, and voted ballots; and, authorization for the state chief election official to implement emergency measures. States with these provisions were able to support a greater number of situations faced by our brave men and women serving in combat areas such as Iraq and Afghanistan, and other U.S. citizens worldwide. I would ask you also to consider alternative methods that these citizens could use to request their absentee ballots such as phone, email or by proxy, and utilizing digital signatures with electronically transmitted materials.

After reviewing Connecticut's existing election code and procedures, I have identified seven initiatives that the Connecticut legislature might consider during the upcoming legislative session. These initiatives are discussed in detail with suggested wording in the enclosed legislative initiatives document. If these initiatives are enacted and signed into law, they would significantly help to facilitate the absentee voting process for Connecticut's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 9,335 Uniformed Services members, 7,001 family members and approximately 40,225 overseas citizens that claim Connecticut as their voting residence.

As you review the enclosed initiatives for possible inclusion in Connecticut's 2007 legislative agenda, please do not hesitate to contact us for assistance. We can provide legislative wording that other states have enacted to implement similar measures and provide written or in-person testimony, if desired. We have come a long way in simplifying the absentee voting process since the enactment of the *UOCAVA*—let's continue our joint efforts to achieve the simplest possible absentee voting process while maintaining its integrity.

Sincerely,

J. Scott Wiedmann
Deputy Director

Enclosure:
2007 Legislative Initiatives and Suggested Wording

Connecticut 2007 Legislative Initiatives and Sample Language

The Need for 45-Day Ballot Transit Time

The most persistent problem which continues to face Connecticut military and overseas voters is the extremely short period of time these voters have to receive, vote, and return their absentee ballots in order to be counted. While electronic transmission of election materials offers an alternative to inadequate ballot transit time in emergency situations, the fact is that insufficient ballot transit time through the mail remains the primary obstacle to ensuring timely delivery of absentee ballots to all who request them. Our post-election surveys and Postal Service statistics indicate that a **45-day transit time is needed** for absentee ballots sent through international mail or the military APO/ FPO (overseas) post offices. This round trip transit time is especially necessary because of the remote location of many military personnel and overseas citizens such as sailors and marines aboard ship, airmen and sailors at isolated tracking sites around the world, as well as Department of State personnel and citizen employees of American multinational corporations in remote areas. We realize that Connecticut provides 45-day transit time for General elections. However, expanding this provision to all elections would help ensure enfranchisement. Forty-three states now provide a 45-day transit time.

Sample Language

For all elections, the official charged with the printing and distribution of ballots and election materials shall print as many absentee ballots as may be necessary as soon as possible after receiving the information concerning candidates and measures to be voted on at an election, and balloting materials shall be mailed not later than the 45th day before the election.

Electronic Transmission of Election Materials

Since the 1990 general election, electronic transmission has proven to be a valuable alternative method for facilitating the enfranchisement of military persons and overseas citizens serving their country who may have otherwise been unable to vote. This initiative has helped ensure these citizens were not disenfranchised by allowing them to cast a ballot when they would not otherwise have been able to vote due to time and location constraints.

Throughout an election year cycle, various circumstances exist that require the need for this alternative procedure in order for citizens to vote. The basic concept of electronic transmission of election materials is to secure high-speed delivery of election materials to and from the voter and local election officials. Your support in developing the **acceptance of electronic transmission for all aspects of the process**, with proper controls, would cut the ballot transit time at least in half. This would reduce the major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

Consideration should be given to expand the use of modern technology in the absentee voting process. We realize Connecticut enacted legislation to provide for the electronic transmission of the Federal Post Card Application (FPCA) for registration and absentee ballot request. However, voters using the FPCA to register are required to simultaneously mail the original, which must arrive by 5:00 p.m. on the day before the election for the ballot to be counted. The electronic transmission methodology is there to ensure the FPCA is received by the state's deadline. If the electronically transmitted FPCA for registration is not recognized until the mail version is received then the availability of electronic transmission is of no benefit to the voter. We realize the original FPCA should be mailed in all cases regardless, however we urge an extension to the acceptance deadline for the original FPCA when the voter has utilized the electronically transmitted option.

Sample Language

An applicant who is a member of the United States Uniformed Services or the United States merchant marine, a family member, or is a qualified elector living outside the United States, may apply for registration and an absentee ballot by electronic transmission if otherwise qualified to apply for and vote by absentee ballot. An auditor or clerk may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Emergency Authority for Chief Election Official

During a period of a declared emergency or other situation where a short time-frame for ballot transmission is created, it is recommended that **Connecticut's Chief Election Official have the authority to designate alternate methods for handling absentee ballots** to ensure voters have the opportunity to exercise their right to vote. The Chief Election Official and the Federal Voting Assistance Program could establish expeditious methods for handling absentee ballots including electronic transmission. Seventeen states have provided this authority to their Chief Election Official.

Sample Language

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act impossible or unreasonable, such as a natural disaster or an armed conflict involving United States Armed Forces, or mobilization of those forces, including State National Guard and Reserve components of this state, the Chief Election Official may prescribe, by emergency orders or rules, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in the state

The Chief Election Official shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

Late Registration Procedures

We realize that Connecticut law allows recently discharged members of the military returning to the state too late to register during the regular registration period to register to vote up until 5:00 p.m. on the last weekday before an election. We recommend that **Connecticut allow persons recently separated from overseas employment, and their family members, to be able to register late or be exempt from registration**. Many overseas citizens go through a transition period when they first leave overseas employment and may reside in your state just prior to an election and this time frame does not meet the normal residency requirements. Often, the date of termination of overseas employment and a state's registration requirement combine to disenfranchise an overseas citizen returning home after employment abroad. Special procedures to allow these persons to register and vote would solve this problem.

Sample Language

A person who has been discharged or separated from the Uniformed Services, the merchant marine, or from employment outside the territorial limits of the United States, too late to enable him or her to register by the regular state deadline for registration, shall be entitled to register for the purpose of voting at the next ensuing election after such discharge, separation, or termination of employment.

State Write-In Absentee Ballot

We also recommend Connecticut extend the availability of the state write-in absentee ballot to non-Uniformed Services overseas electors. The purpose of the state write-in absentee ballot is to **provide a method for voting by persons overseas who, due to special circumstances such as those faced by Peace Corps volunteers, missionaries or others in remote areas, will be out of communication for extended periods of time and unable to receive the regular ballot from your state in the normal time frame**. A voter could request a state write-in absentee ballot 90 days in advance and write in the names of the candidates or party preferences. The voter knows in advance that he or she will not be able to receive, vote, and return the regular ballot from the State in time to be counted. Twenty-seven states now provide state write-in absentee ballots.

It is also important to note that a state write-in absentee ballot usually provides a "full" slate of offices to be voted upon including Federal, state, and local offices. On the other hand, the FWAB generally allows voting for Federal offices. There are presently thirteen states that have expanded the use of the FWAB beyond Federal law. The revised FWAB was designed to accommodate its use beyond the general election and Federal offices only.

Sample Language

If the voter is a U.S. citizen residing outside the United States, or a member of the United States Uniformed Services, or merchant marine, or a family member, and a qualified elector, he or she may request, not earlier than 180 days before an election, a state write-in absentee ballot. The voter must submit with the request a statement that provides that due to military or other contingencies that preclude normal mail delivery, the elector cannot vote an absentee ballot during the normal absentee voting period. The state will make the ballot available "90 to 180" days before the election.

Use of the Federal Write-In Absentee Ballot (FWAB)

The state of Connecticut is exempt from use of the Federal Write-In Absentee Ballot (FWAB) by Section 103 (f) in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These statements exempt states that make ballots available to military voters at least 90 days before the general election and as soon as the candidate list is available for other UOCAVA citizens.

The intent of the Federal Write-In Absentee Ballot (FWAB) is to aid the enfranchisement of U.S. citizens overseas wishing to vote for Federal Offices in general elections who make timely application for, but do not receive an absentee ballot.

The intent of the current Connecticut Special Write-In Absentee Ballot is to assist members of the military and their family members who are not able to follow the regular absentee ballot application procedure.

The Connecticut Special Write-In Absentee Ballot does not accommodate citizens who request a state absentee ballot in a timely manner and do not receive it in time to vote and return it to meet the state's ballot deadline. The FWABs, which are prepositioned at military installations and U.S. Embassies and Consulates worldwide fulfill this purpose for all overseas U.S. citizens except those whose legal residence is Connecticut.

We recommend that **Connecticut allow overseas UOCAVA citizens who have requested a state absentee ballot in a timely manner and not received it in time to vote and return it to meet the state's ballot deadline be allowed to use the Federal Write-In Absentee Ballot.**

Sample Language

The Federal Write-In Absentee Ballot (FWAB) will be accepted from uniformed services and overseas voters who make timely application for, and do not receive a regular absentee ballot. The following rules shall apply with respect to the FWAB:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of the political party (in which case the ballots shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of the political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the spelling of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Enfranchise Citizens Who Have Never Resided in the U.S.

There are many U.S. citizens who have never resided in a state and under current law are not entitled to vote. These are usually first or second generation citizens who are subject to U.S. income tax and all other requirements of citizens. Except for the fact that they have never resided in a state, they would be eligible to vote in elections for Federal office. Some local election officials make exceptions and allow these citizens to vote. Fifteen states have passed legislation allowing these citizens to claim the legal residence of a parent. **We recommend these citizens be allowed to vote in elections for Federal offices** where either parent is eligible to vote under *UOCAVA*.

Sample Language

If a U.S. citizen outside the United States who has never lived in the United States has a parent who is a qualified elector, then that person is eligible to register and vote where his or her parent is a qualified elector.