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

December 18, 2006

Ms. Jean Jensen
Secretary, State Board of Elections
200 N. 9th St., Ste. 101
Richmond, VA 23219-3497

Dear Ms. Jensen,

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 Virginia's existing election code and procedures, I have identified four initiatives that the Virginia 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 Virginia's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 34,774 Uniformed Services members, 32,430 family members and approximately 88,495 overseas citizens that claim Virginia as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virginia'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

Virginia 2007 Legislative Initiatives and Sample Language

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 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 a major obstacle to voting absentee and allow local election officials more administrative flexibility in preparing election materials.

We realize Virginia allows electronic transmission of the FPCA for absentee ballot request. We also note that Virginia has conducted several successful pilot projects with the transmission of blank ballots by electronic mail. We continue to support your innovative electronic voting projects; however, we also continue to encourage expanded use of electronic transmission to include sending the blank ballot to the voter and accepting the voted ballot from the voter by facimile where circumstances would otherwise disenfranchise a citizen. The sample language below includes these alternatives.

Sample Language

An applicant who is a member of the United States Uniformed Services, or a family member of a Uniformed Service 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 election official may send blank ballots and accept voted ballots from eligible electors via electronic transmission.

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 already 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.

Expand Use of Federal Write-In Absentee Ballot

Currently, Virginia law allows the Federal Write-In Absentee Ballot (FWAB) to be used in all elections and from inside or outside the United States. However, we continue to recommend that the FWAB voter declaration be accepted as **a request for registration simultaneously with the submission of the completed FWAB.** We realize that legislation has been passed providing that the FWAB can be used to serve as **an application** for an absentee ballot and the absentee ballot itself for Federal offices provided the Registrar received it not less than five days prior to the election. Consideration should be given to simplify the registration and request for absentee ballot request process and improve ballot transit time through the combined use of the FWAB for registration and absentee ballot simultaneously. It should be noted that the information requested on the FWAB transmission envelope, is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). This does not change the data required from your state for these citizens. The adoption of this initiative would save money and alleviate administrative responsibilities on the part of local election officials.

Sample Language

- Use of FWAB as a Combined Request for Registration and Ballot Submission:

If the voter is outside the U.S. or is a member of the United States Uniformed Services, or a family member of a Uniformed Service member, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) transmission envelope as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with the registration requirements of the state;

(2) the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted; and

(3) the request is received by the appropriate state election official not less than 30 days before the election or by the registration deadline established by the state .

Elimination of Witness/Notary Requirement

We recommend that Virginia **eliminate the requirement for voting materials to be witnessed for uniformed service members and overseas citizens**. While such requirements may be appropriate for local or in-state absentee balloting, they create an additional burden to the uniformed service and/or overseas voters in order to request an absentee ballot and/or to return a

voted ballot. Additionally, many overseas citizens who are not able to visit a U.S. embassy or consular office are forced to pay high fees for notarization or witnessing services in order to participate in the balloting process.