



**DEFENSE HUMAN RESOURCES ACTIVITY
FEDERAL VOTING ASSISTANCE PROGRAM**
4800 MARK CENTER DRIVE, SUITE 03J25-02
ALEXANDRIA, VA 22350-4000

February 6, 2017

Commissioner Edgardo Cortes
Virginia Department of Election
1100 Bank Street, First Floor
Richmond, VA 23219

Dear Commissioner Cortes:

I am writing today with regard to the General Assembly of Virginia Senate Bill 872, specifically the removal of the *UOCAVA* identification exemption that was discussed during the Committee meeting on Tuesday, January 24, 2017. As you are aware, the Federal Voting Assistance Program (FVAP) is the Department of Defense program charged with administering the federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act*, or *UOCAVA*. Our mission is to help ensure Service members, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to successfully do so.

When registering to vote by mail, citizens covered by *UOCAVA* are exempt under 52 U.S.C. § 21083(b)(3)(C) from State requirements to provide a copy of a valid photo identification or other documentation that shows the name and address of the voter as defined in 52 USC § 21083(b)(1) when attempting to vote by mail. As such, our view is that Senate Bill 872's current language that *UOCAVA* voters provide identification when applying for a ballot using the Federal Post Card Application (FPCA) may likely be in conflict with federal statute.

UOCAVA voters, particularly those stationed or residing overseas, face complexities in the voting process that in-person or State absentee voters do not face. The original intent of the FPCA was to allow *UOCAVA* voters to simultaneously register and request an absentee ballot. By swearing to the oath on the form prescribed by FVAP, voters would meet minimum qualifications to vote in federal elections. Requiring additional identification or proof of eligibility, in addition to the information provided on the FPCA, adds to the burden *UOCAVA* voters face when attempting to vote in federal elections. The voter would be forced to locate documents and the equipment necessary to photocopy and submit those additional documents to their local election official, a condition difficult to achieve depending on their geographic location and available infrastructure.

Please contact Ms. Meghan Kelly, FVAP State Affairs Specialist, at meghan.kelly@fvap.gov with any questions, concerns or comments you may have.

Thanks for all you, your staff and colleagues in the Virginia Department of Elections do to support and assist our military and overseas voters. We look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Beirne", is written over a light blue circular stamp.

David Beirne
Director