



Report on DoD Actions to Support Voting  
Assistance to Armed Forces Outside the U.S.

As Required by Section 568 of the  
*Ronald W. Reagan National Defense Authorization  
Act for Fiscal Year 2005*

December 2004

## Table of Contents

Table of Contents.....	2
Introduction.....	3
Actions Taken by the Office of the Secretary of Defense .....	3
Actions Taken by the Armed Forces .....	10
Other Actions Taken.....	12
Conclusion .....	12
Exhibits .....	13
Exhibit 1    Secretary of Defense Memorandum to Military Departments dated March 17, 2004 .....	14
Exhibit 2    Secretary of Defense Memorandum to Joint Chiefs of Staff and Combatant Commanders dated March 17, 2004.....	16
Exhibit 3    Secretary of Defense Memorandum dated August 5, 2004 .....	18
Exhibit 4    Deputy Secretary of Defense Memorandum dated September 9, 2004 .....	19
Exhibit 5    Pennsylvania Adjutant General Letter .....	20
Exhibit 6    Director, Federal Voting Assistance Program (FVAP) Letter to Governors.....	22
Exhibit 7    Director, FVAP Memorandum for Deputy Chief of Staff, U.S. Central Command.....	23
Exhibit 8    DoD/DOJ Letter to State Chief Election Officials dated July 12, 2004.....	25
Exhibit 9    DoD/DOJ Letter to State Chief Election Officials dated October 29, 2004.....	28

## INTRODUCTION

This report provides information on the actions taken by the Secretary of Defense (SECDEF) to ensure that the Federal Voting Assistance Program (FVAP) carried out under the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 USC 1973ff)* functions effectively to support absentee voting by members of the Armed Forces deployed outside the United States in support of Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations, e.g., Haiti, Horn of Africa. Section 568 of the *Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (NDAA FY-05)* requires this report on actions taken to ensure FVAP and the Department of Defense (DoD) provided voting assistance to deployed military members.

In order to provide a complete and orderly description of the support provided, the report is divided into three sections: Actions Taken by the Office of the Secretary of Defense, Actions Taken by the Armed Forces and Other Actions Taken. Illustrative exhibits are provided.

### ACTIONS TAKEN BY THE OFFICE OF THE SECRETARY OF DEFENSE

**SECDEF Memoranda.** On March 17, 2004, the SECDEF sent memoranda to Secretaries of the Military Departments (Exhibit 1) and the Chairman of the Joint Chiefs of Staff and Combatant Commanders (Exhibit 2) on the opportunity to vote during the 2004 elections. The memoranda directed commands to support the voting program at all levels of command; to ensure that the identity and location of Voting Assistance Officers (VAOs) are known throughout the command, installation and unit level; to establish a directory of major command and installation VAOs and use it to effectively and rapidly communicate with them and their subordinates; to distribute voting materials to all units and make VAOs aware of the availability of these voting materials, including the Federal Post Card Application (FPCA) and the Federal Write-In Absentee Ballot (FWAB); and to publicize the September 2004 Armed Forces Voter's Week and designate other special days to inform members and families of absentee voter registration and voting procedures. Further, these memoranda noted that the Department's voting assistance efforts are strictly non-partisan.

On August 5, 2004, SECDEF issued a memorandum to Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff (CJCS) and Commanders of the Combatant Commands (Exhibit 3) reemphasizing the steps outlined in his March 17, 2004 memoranda that can be used to assess voting assistance programs to ensure that service members receive the necessary support and assistance on voting matters. Further, the memorandum directed expedited mail delivery upon arrival, especially to those in remote locations.

**Deputy Secretary of Defense (DEPSECDEF) Memorandum.** The DEPSECDEF issued a memorandum for Commanders of the Combatant Commands dated September 9, 2004 concerning delivery of absentee ballots (Exhibit 4). Beginning October 11, 2004, commanders were asked to take all actions possible to deliver ballots from forward postal locations to the nearest military mail concentration point within 24 hours to include assistance to commercial

carriers. This would facilitate the prompt movement of absentee ballots from deployed servicemen and women to the United States Postal Service (USPS) gateway cities. Then, special USPS procedures would be employed for prompt delivery. Target dates for mailing ballots were recommended for absentee voters to help ensure their arrival by state ballot deadlines.

**CJCS Video.** In February 2004, the CJCS recorded a video addressing the opportunity to vote by military members and their families in the 2004 elections and that assistance could be obtained from Unit VAOs. FVAP used this message in its workshop presentations and during Armed Forces Voters' Week in September at the Pentagon. It was also distributed to the Services and available from the FVAP web site for use at military installations worldwide in support of Service voting programs.

**Under Secretary of Defense for Personnel and Readiness (USD (P&R)) meetings.** In further support of absentee voting by military members, the USD (P&R) held monthly meetings with Senior Service Voting Representatives (SSVRs). SSVRs are the Service's flag or general officers responsible for the Service voting assistance program. These meetings were held to ensure command awareness and involvement in the absentee voting process. Services reported on actions taken, status of their Service Voting Assistance Programs and specific reports from the field. Representatives from the DoD Inspector General's office gave interim feedback on assessments of installation voting programs conducted so that the Services could implement immediate measures to address areas of need.

**Postal Improvements.** DoD's FVAP and Military Postal Service Agency (MPSA), in conjunction with the USPS, undertook several measures to make sure that absentee ballot materials were not only delivered expeditiously to and from service members overseas but also that votes could be properly counted upon receipt by local election officials. In an arrangement coordinated with national election organizations, absentee ballot materials were transmitted by Express Mail from local election offices by the USPS, sorted by overseas destination and placed in containers specially marked for visibility and priority. On the return trip, MPSA postmarked ballot materials and gave ballots the highest priority for them to reach a military mail concentration point for shipment to the USPS gateway cities (New York, Miami, San Francisco) and then to local election offices. The postmark on the ballot would assist local election officials in determining when it was mailed and whether it met the deadline for counting. MPSA reported that they processed 233,542 ballots to deployed military members overseas and dispatched 181,390 ballots back to the U.S.

MPSA also sent weekly messages to mail personnel worldwide about the proper handling of ballots and conducted biweekly and weekly surveys of all Military Post Offices to ensure expedited handling procedures were effective. Additionally, installation and overseas commanders published recommended mailing dates to voters to help ensure their arrival by state ballot deadlines. These postmarking, survey and control improvements to the military mail delivery process have been made since the passage of the *National Defense Authorization Act for Fiscal Year 2002*. Further, the ballot envelope recommended to local election officials by the FVAP was redesigned to expedite delivery through the mail system.

**DoD Directive.** As a result of changes in requirements brought about by the *National Defense Authorization Act for Fiscal Year 2002* and the *Help America Vote Act of 2002*, the DEPSECDEF signed and issued the updated DoD Directive 1000.4 on April 14, 2004. This directive defines the FVAP's scope and policy responsibilities and sets forth DoD and Service roles and responsibilities. It provides Services with specific requirements and guidance on how to conduct their voting assistance programs.

The Director, FVAP, in DoD, is responsible for administering the Federal responsibilities of the *UOCAVA* on behalf of the SECDEF who is the Presidential designee for the Federal functions of the law. The mission of FVAP is to:

- Inform and educate U.S. citizens worldwide of their right to vote.
- Foster voting participation.
- Protect the integrity of, and enhance, the electoral process at the Federal, state and local levels.

**National Guard and Reserve Mobilization.** FVAP worked with the Headquarters, National Guard Bureau to distribute information on absentee voting to deploying troops. An FVAP representative visited with the Commander to brief him on the Program. In August 2004, FVAP also coordinated on a letter with the subject "Ready, Set, Vote!" from Major General Jessica L. Wright, the Adjutant General of Pennsylvania and Pedro A. Cortés, Secretary of the Commonwealth, to Pennsylvania military electors and their dependents (Exhibit 5). This letter and other voting information for Pennsylvania electors in military service appeared on the Pennsylvania Department of State web site at [www.votespa.com](http://www.votespa.com).

FVAP staff members conducted workshop training for VAOs at activated units at mobilization sites such as Marine Corps Base Quantico and Ft. Eustis, Virginia; Ft. Bragg and Camp Le Jeune, North Carolina; Ft. Hood, Texas; Hulbert Air Force Base, Florida; and Ft. Campbell, Kentucky. These sessions were designed to train and equip VAOs on how to carry out their voting assistance responsibilities prior to deployment. There was also pre-deployment, in-hand delivery of the FPCA to all unit members.

The Director, FVAP, sent letters to each state Governor and territory official on March 10, 2004 requesting their assistance to ensure that activated National Guard members have the opportunity to vote in all elections while they are on active duty and away from home (Exhibit 6). FVAP enlisted the Governors' assistance to ensure that whenever a National Guard unit was notified that it would be called up, the members of that unit would receive an FPCA form to request their absentee ballot and that those National Guard units serving overseas were provided with a FWAB for their use if needed.

**Request for Assistance Letters.** On April 5, 2004, the Director, FVAP, sent a memorandum to the Deputy Chief of Staff, U.S. Central Command, concerning electronic transmission of election materials in support of troops stationed in Southwest Asia (Exhibit 7). FVAP encouraged support for the use of faxing as an alternative method of returning ballots to election officials.

On July 12, 2004, a joint DoD and Department of Justice (DOJ) letter was sent to the Chief Election Official (CEO) in all states and territories (Exhibit 8). The letter sought cooperation to ensure that Uniformed Services members and overseas citizens have a full opportunity to vote. The letter highlighted concerns about the deployment of so many military members to combat areas and the importance of guaranteeing that requested ballots for qualified overseas voters be transmitted without delay and that voters will have an opportunity to return them in time to be counted. DoD and DOJ stated their commitment to continue to work with state and local officials to address potential ballot transit problems in order to avoid unnecessary litigation to enforce the rights of voters protected by *UOCAVA*. Additionally, the Departments encouraged consideration of the use of an electronic transmission (email or faxing) alternative for voting materials.

**Electronic Transmission Service (ETS).** FVAP's ETS allows citizens and state and local government officials, where permitted by law, to fax election materials, such as a request for registration and/or ballot (FPCA), a blank ballot sent to the voter by the local election official, a voted ballot returned to the local election official, and other election correspondence when conditions do not allow for timely receipt and return of these materials.

In October 2003, FVAP established an email account, [iraqvotes@fvap.ncr.gov](mailto:iraqvotes@fvap.ncr.gov), as an option for voters and states to transmit election materials and absentee ballots as e-mail attachments, where state law permits, specifically to assist citizens that may not have access to a fax machine, but did have email access. Many troops in Iraq and Afghanistan had limited telephone service for faxing; however, they did have a satellite hookup and were able to receive emails. This allowed them the opportunity to transmit election materials electronically.

Missouri and North Dakota law does not allow election officials to email ballots directly to absentee voters. Laws did allow officials in these states, however, to fax to ETS. Then ETS would forward the transmission as an email to the voter. The individual would print and vote the ballot, then scan and email the completed ballot to ETS. Upon receipt, ETS would forward the transmission as a fax to the state. North Dakota allowed this fax/email procedure for all citizens overseas. Missouri allowed this procedure for military personnel serving in designated combat locations overseas.

The following is the total number of emailed voted ballots that ETS received and forwarded to local election officials as a fax for the 2004 General Election:

<u>State</u>	<u>Number of Ballots</u>
KANSAS	2
KENTUCKY	1
MICHIGAN	1
MISSOURI	14
NORTH DAKOTA	5
NEW MEXICO	1
OKLAHOMA	1
TEXAS	39
WASHINGTON	2
WISCONSIN	<u>1</u>
<b>Total</b>	<b>67</b>

**FVAP Web Site.** FVAP has a comprehensive absentee voting web site containing resources for use by *UOCAVA* citizens, and state and local election officials. The web site contains information on all FVAP initiatives, e.g., Get-Out-the-Vote Campaign, the Ombudsman Service, the ETS, the State Legislative Initiatives Program, and best practices for Services and local election officials. Additionally, VAO training and all FVAP publications can be viewed or downloaded on the web site. The online FPCA and the online FWAB can be found on the web site. There are links to state elections web sites for current voting and candidate information. Links to Service voting web sites, Federal agencies and overseas citizen organizations are also provided. This ensures that deployed troops have the capability of obtaining absentee ballot applications, state specific absentee voting information, and a FWAB if needed.

For the five-week period ending October 31, 2004, FVAP's web site, had 1,943,105 accesses. Individuals accessed the On-line Federal Post Card Application (OFPCA) 240,267 times during the same time period and the new On-Line Federal Write-In Absentee Ballot (OFWAB), which became available on October 21, 2004, 30,595 times. About 25 percent of the accesses were from U.S. military (.mil) sites. Other U.S. based sites accounted for over 41 percent of the accesses and the rest (approximately 34 percent) were from non-U.S. based Internet Protocol Addresses. This undoubtedly assisted many deployed voters in their 2004 General Election participation.

**Federal Write-In Absentee Ballot (FWAB).** Under the provisions of the *UOCAVA*, the FVAP prescribes a "back-up" ballot, called the FWAB, for use if an absent uniformed services member or citizen outside the United States (including APO and FPO addresses) does not receive his/her requested regular absentee ballot from the state after having made a timely application for the ballot. Stocks of FWABs were pre-positioned in large numbers overseas to ensure their availability to citizens who did not receive their state absentee ballot. Over 175,000 FWABs were on hand as of October 14, 2004 in CENTCOM areas of responsibility. In October 2004, the FWAB became available online at [www.fvap.gov/pubs/onlinefwab.html](http://www.fvap.gov/pubs/onlinefwab.html). This assisted many deployed military members, who may not have received their requested state ballot in a timely manner, to cast a ballot for Federal offices in the November 2, 2004 election. FVAP faxed a letter to each CEO on October 29, 2004, notifying the CEO that due to the enactment of Section 566 of the *NDAA FY-05*, the FWAB can now be used by absent Uniformed Services voters inside the U.S. and that the FWAB will be counted if the application for a state absentee ballot is received before the later of the state ballot request deadline or 30 days before the general election (Exhibit 9).

**Workshop Visits.** During election years for Federal office, the FVAP staff delivers training to VAOs at military sites in the U.S. and overseas. For the 2004 election year, FVAP completed 164 workshops including activated units at mobilization sites. In contrast, only 62 workshops were conducted in 2000 and there were no pre-deployment mobilization site visits. VAOs were instructed to provide in-hand delivery of FPCAs to each military and family member before the member left the U.S. FVAP workshops were held in Bahrain to reach those in the CENTCOM theater of operations. The training included the message coordinated by FVAP from the CJCS to VAOs. The FVAP also provided interactive, online VAO training through the FVAP web site or CD ROM.

**Interim Voting Assistance System (IVAS).** IVAS was a voluntary project implemented in September 2004 to allow eligible absentee voters (active duty military, activated Guard and reserve personnel, their dependents, DoD overseas Federal agency personnel in CENTCOM and DoD contractors overseas) to request and receive their absentee ballots via the Internet from the [www.myballot.mil](http://www.myballot.mil) web site. In order to take advantage of IVAS, voters must have already been in the Defense Enrollment Eligibility Reporting System (DEERS), be a U.S. citizen covered under the *UOCAVA*, and must have been from a state and county which had volunteered to participate in the project.

Using IVAS, the voter could request a ballot via [www.myballot.mil](http://www.myballot.mil). After the local election official approved the request, IVAS notified the voter via email that the ballot was available to download. The voter then could download and print the ballot, mark it by hand and return it by mail to the local election official.

One hundred eight counties in nine states agreed to participate in IVAS. At the end of the election, 28 of those counties had actually received and processed ballot requests, and uploaded ballots for *UOCAVA* voters to pick up. Voters downloaded seventeen ballots.

**Toll-free Telephone Assistance.** FVAP provides toll-free telephone service via commercial and Defense Switched Network (DSN) access worldwide. A call using one of FVAP's toll-free numbers from 66 countries or an FVAP DSN number accesses the automated Voting Information Center (VIC) and live ombudsman support by FVAP staff. The VIC contains voice recordings of candidates, direct links to Congressional offices and other election information for voters. FVAP staff provides timely information and assistance to callers. As the November 2004 election approached, the number of calls increased substantially, requiring FVAP to obtain additional temporary hires to handle the volume. In future elections, a greater number of workers should be in place earlier to ensure FVAP provides the necessary telephone assistance.

**Other Actions Taken.** The following lists a variety of actions taken to enhance education and awareness of the absentee voting process for deployed troops:

- Increased awareness through Defense Commissary Agency, Armed Forces Radio and TV (AFRTV), Pentagon Channel. Posters were displayed and voter registration drives held outside DoD commissaries. Videos on voting topics were shown on AFRTV worldwide and the Pentagon Channel.
- Armed Forces Voters' Week, September 3-11, 2004 and Absentee Voting Week, October 11-15, 2004. Services supported FVAP in holding registration drives during the first week of September to ensure all military members had an opportunity to apply for their absentee ballot. (See Actions Taken by the Armed Forces below for more information). A special week, October 11-15, 2004, was set aside to denote the dates that ballots were to be returned to the U.S. so that they could be received in time to be counted.
- Absentee ballot monitoring with states to ensure ballots are mailed by local election officials on time. This year DoD worked with DOJ to take legal action in Georgia, Mississippi and Pennsylvania to ensure absentee ballots were mailed in enough time for *UOCAVA* voters to vote and return them in time to be counted.

- Prompted by letters from members of Congress stating specific constituent absentee voting concerns, FVAP responded to situations by providing information and resolution.
- Email communications. FVAP responded to thousands of email inquiries from absentee voters, e.g., registration status, FPCA receipt by the local election officials and mailing of the absentee ballot by local election officials.
- Legislative Initiatives. FVAP sends yearly-suggested initiatives to the states to make the absentee voting process easier for *UOCAVA* citizens while maintaining the integrity of the process. One initiative requests that states and territories allow electronic transmission of election materials for citizens included under *UOCAVA*. Forty-nine states allow some form of electronic transmission, usually electronic transmission of the FPCA. Some jurisdictions, however, have expanded this to include electronic transmission of the blank and voted ballot. Thirty-three states allow electronic transmission of the blank ballot and 24 allow electronic transmission of the voted ballot. Some allow blank ballot delivery by email. Another initiative concerns providing a 45-day mail transit time. Thirty-two states now provide 45 or more days of ballot transit time. This includes nine states out of 15 that count ballots which arrive after election day. (In addition to the 15 states that count ballots which arrive after election day, Colorado, Illinois and Pennsylvania extended the ballot return deadline for the 2004 General Election as a special solution benefiting Operation Iraqi Freedom and Operation Enduring Freedom). Prompted by another FVAP initiative, some states provide backup ballots to military overseas in contingency areas. Twenty-seven states provide special write-in absentee ballots between 30 and 180 days prior to elections. These and other state-adopted initiatives have provided greater access to the polls for absentee voters in the U.S. and overseas.
- Email transmission of voting materials by jurisdictions for November 2004 election. Virginia continued an email pilot project for military voters in 2004. Other jurisdictions that allowed blank ballot delivery by email were Chicago/Cook County, Illinois; 23 counties in Washington; Pearl River County, Mississippi; and several Utah counties.
- FVAP News Releases. These provide timely important election information to VAOs. VAOs in turn pass the information on to their units and organizations. Among topics provided in news releases for the November 2004 election are Pennsylvania extending the ballot return deadline, states requiring a witness or notary on the ballot return envelope and California's new law allowing citizens overseas to return absentee ballots by fax.
- *Voting Information News (VIN)* Newsletter. The *VIN* is a monthly newsletter that contains timely information on upcoming elections, a "To Do" list for VAOs, and other essential material to help ensure continuity of election information and the enfranchisement of citizens. Distribution of the *VIN* by regular mail and email totals over 25,000 respondents worldwide and is also available on the FVAP web site. Articles in the *VIN* leading up to the November 2004 election included a listing of ballot return deadlines for each state and territory under *UOCAVA*, information on the requirements and use of the FWAB, and information for military members deploying before the November election.
- Conference calls between FVAP and Service Voting Action Officers were conducted periodically in readiness for the general election.

## ACTIONS TAKEN BY THE ARMED FORCES

As part of DoD's overall efforts to assist deployed members of the Uniformed Services, the Services provided outstanding voting assistance support. The following provides some of the numerous and notable actions taken by each of the Services:

**Army.** The Army issued the Implementing Instructions for the Conduct of the Army Voting Assistance Program (2004-2005) in November 2003. The Army's voting assistance program received very strong command support. The Acting Secretary of the Army and Chief of Staff, Army, jointly issued memorandums on May 26, August 10 and September 7, 2004 stressing command support and leader involvement in the absentee voting program. They also issued a memorandum on October 18, 2004 reminding all leaders and voting assistance officers to take extra precautions to ensure our Soldiers were not influenced to vote for any one candidate over the other. The Assistant Chief of Staff, G-1 and The Adjutant General also issued memoranda to major Army commanders stressing command support for the Army Voting Assistance Program. These memos were posted on the Army Voting Assistance Web Site ([www.vote.army.mil](http://www.vote.army.mil)).

The Acting Secretary of the Army, Chief of Staff Army, and the Sergeant Major of the Army released video Public Service Announcements (PSAs) encouraging Soldiers to register and vote. PSAs were available for use on Armed Forces TV network, local closed circuit TV stations on installations, etc. These announcements were also posted on the Army Voting Web Site.

Additionally, in May 2004, The Adjutant General dispatched an email through Army Knowledge On-Line (AKO) encouraging approximately 1.3 million account holders to register and vote in the November 2004 elections. In October 2004, similar emails were dispatched to all enlisted personnel by the Sergeant Major of the Army and to all officers and Department of the Army civilians by the Commanding General, U.S. Army Human Resources Command. The Acting Secretary of the Army and Chief of Staff, Army, also dispatched a joint email to all account holders through the AKO system encouraging absentee voters to send in their ballots.

Summer 2004, the Army conducted a 100% army-wide Personnel Asset Inventory (PAI) to verify and reconcile databases against existing personnel rosters. VAOs used the PAI as an additional method of contacting Soldiers to distribute absentee voting materials and to inform them about voter registration and absentee ballot request procedures, FVAP and Service announcements, and other absentee balloting information. The Army trained over 4500 VAOs and met its goal of 100 percent contact of every soldier, Department of the Army civilian overseas and eligible family member. Further, the Army distributed over one million FPCAs with over 286,000 FPCAs dispersed in the CENTCOM area of operations.

The Multi-National Coalition-Iraq conducted numerous registration and voting efforts within country in preparation for the November 2004 election such as, Get Out the Vote Day on May 19, 2004 and the Soldier Voting Booth on June 13-14, 2004. One significant initiative was the use of enhanced mail procedures and special markers, containers and Express Mail for Soldiers overseas to ensure balloting materials were processed expeditiously to and from overseas post offices.

The Army Voting Assistance Program placed emphasis on ensuring all available assistance and resources reached all Soldiers in the U.S. and abroad so that everyone was given the opportunity to register and vote if they chose to do so.

**Navy.** The Navy contacted an estimated 300,000 absentee voters overseas and on deployment (active duty, civilians and eligible family members) with voter registration information, materials and support. The Navy ensured that every person interested in voting received absentee voting materials. Workshops, registration drives, all hands calls, video programs, and offering voter registration information during tax filing assistance season took place onboard ships such as the USS Lincoln, Kitty Hawk and Kennedy. The Navy Voting Assistance Program (NVAP) developed Pre-deployment Workshops. NVAP sent voter registration update emails and published two *Rhumblines* articles for senior leadership. Commander, Navy Supply Command provided training for all postal facility employees on the proper handling and postmarking of balloting materials. Naval postal facilities moved outbound/inbound mail seven days a week from New York to Bahrain. Additional actions taken by NVAP include 45 weekly information emails to 1,650 Echelon II VAOs, two *Navy News Stand* articles, reaching 175 deployed units in theater, and interviews with Reuter News Agency, *Stars and Stripes* and *Navy Times*. Navy sent messages from the Chief of Naval Operations and the Chief of Naval Personnel to the Fleet, stressing 100 percent contact and delivery of voting materials by August 15, 2004. Two Secretary of the Navy messages were sent emphasizing the right to vote and the importance of the command VAO.

**Air Force.** In December 2003, the Air Force included requirements in support of overseas/deployed military in its Voting Action Plan, e.g., in-hand distribution of FPCAs, voting information as part of accession and deployment briefings, and conduct Armed Forces Voter's Week. Also, in December 2003, the Air Force established an avenue to send voting messages to secure sites through the Air Force Personnel Support for Contingency Operations (PERSCO) communications systems. PERSCO is the Air Force's forward deployed part of expeditionary Air Force units that provides theater personnel support. In May 2004, messages were sent to all PERSCO Teams that provided guidance to support deployed members and reinforced the role of voting counseling for overseas absentee voters. Air Force also altered its voting program web site to link it to the Air Force Personnel Center homepage for better access by both U.S. and PERSCO customers. In July 2004, Air Force directed a dual prong approach: contact by PERSCO teams in theater and by email from the home Installation VAO. In August 2004, deployed unit voting contacts started to be included in weekly metric reports to the Air Force Chief of Staff. These reports continued until 100 percent contact was achieved on October 1, 2004. Air Force proactively shipped voting materials to PERSCO units: 50,000 FPCAs, 40,000 FWABs. On September 3, 2004, the Air Force Senior Service Voting Representative (SSVR) sent an email to all commands on Armed Forces Voters' Week and stressed the role of PERSCO units to support the voting program. On October 8, 2004, the Air Force SSVR sent an email to all deployed wing commands and mission support groups about "getting absentee ballots home."

**Marine Corps.** As part of pre-deployment training, every Marine was provided the opportunity to complete an FPCA. VAOs were assigned and received training prior to deployment. Marine Corps released three All Marine Corps messages and four Marine Administrative messages pertaining to voter awareness. The SSVR sent an email directing all VAOs to be fully engaged

in their duties as VAO and another to more than 185,000 Marines encouraging them to vote. Weekly voting information reminders were sent to all USMC postal facilities worldwide stressing the importance of processing and expeditiously handling voting materials. Post-deployment training is conducted for all Marines returning from the theater to ensure that an up-to-date FPCA is on file.

**Coast Guard (CG).** The CG's Assistant Commandant for Human Resources communicated with the entire active duty and reserve workforce via message/cable and Flag Voice (email). Periodic voting reminders were included on the back of all Leave and Earnings Statements. The CG's mail manager maintained a constant dialogue with all deployed cutters, and forwarded all required reports to MPSA. Additionally, the FWAB was sent electronically to all cutters after some units reported that they had not yet received their regular state absentee ballots. The host DoD combatant command provided voting assistance support for the limited number of CG personnel assigned to the Iraq/Afghanistan theater of operations.

## **OTHER ACTIONS TAKEN**

**Department of State Voting (DOS) Assistance.** Consular personnel in Baghdad provided FPCAs to Uniformed Services members and assisted approximately 60-80 civilian DoD contractors there supporting deployed troops. Additionally, any individual registered with Embassy Baghdad would have received warden messages containing voting information.

Embassy Baghdad staff reported that the military made a big effort to ensure that everyone could get the FWAB by holding frequent events during mealtimes. Since everyone eats in the cafeteria, that made it a lot easier for people to get the forms. Baghdad used their consular section newsletter and country team meetings to advertise their availability to provide assistance.

In Kuwait, DOS staff also distributed FPCAs to service members and assisted 30-40 military contractors. DOS staff met with the Human Resources Director of Halliburton/KBR and provided substantial quantities of FPCAs and FWABs as well as posters and other materials. The embassy also answered numerous questions from KBR employees.

## **CONCLUSION**

DoD took the necessary actions to ensure effective voting assistance during 2004 to all deployed military members. To accomplish this, cooperative efforts with the Services, DOS and DOJ were undertaken. VAOs, state and local election officials and the USPS were crucial links in the chain of effort to help ensure that our Service members, their dependents and overseas citizens could exercise their right to vote. The Department took the lead in providing overall goals, communications, publications, forms and voting information/training with which to carry out Service and DOS voting programs. Everyone working together under challenging and wartime conditions made this a very effective voting assistance program.

## EXHIBITS

- Exhibit 1 Secretary of Defense Memorandum to Military Departments dated March 17, 2004
- Exhibit 2 Secretary of Defense Memorandum to Joint Chiefs of Staff and Combatant Commanders dated March 17, 2004
- Exhibit 3 Secretary of Defense Memorandum dated August 5, 2004
- Exhibit 4 Deputy Secretary of Defense Memorandum dated September 8, 2004
- Exhibit 5 Pennsylvania Adjutant General Letter
- Exhibit 6 Director , Federal Voting Assistance Program (FVAP) Letter to Governors
- Exhibit 7 Director, FVAP Memorandum for Deputy Chief of Staff, U.S. Central Command
- Exhibit 8 DoD/DOJ Letter to State Chief Election Officers dated July 12, 2004
- Exhibit 9 DoD/DOJ Letter to State Chief Election Officers dated October 29, 2004



THE SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

MAR 17 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Opportunity to Vote During the 2004 Elections

As the men and women of our Uniformed Services serve around the world defending democracy and freedom, we are reminded of our precious right as Americans to choose our national leaders. Today, more people around the world than ever before hold this most fundamental democratic right—the right to vote. This year, Americans at home and abroad will vote in elections to fill Federal, state and local offices. We will be voting to elect the President and Vice President, 34 U.S. Senators, the entire U.S. House of Representatives, 13 State Governors, and hundreds of local officials. The outcome of these elections will shape the nation's future.

For the men and women of our Uniformed Services, the opportunity to register and cast their ballots in the 2004 elections will depend significantly on the assistance and support they receive from Service and command voting programs and from the Voting Assistance Officers assigned to their units. Those serving overseas, especially in Iraq and Afghanistan, and mobilized National Guard and Reserve units, will face the additional challenges of the availability of election information and materials and the lengthened time it takes to receive and return their absentee ballots through the mails. I want your support for the following:

- Ensure command support of the voting program at all levels of command. Personal involvement of commanders is crucial to effective implementation of the voting program. Assign quality officers the duty of Voting Assistance Officers and comment on their performance as a Voting Assistance Officer on their evaluation reports. Voting Assistance Officers must be given the time and resources needed for them to perform their duties effectively, including the opportunity to complete a Federal Voting Assistance Program Training Workshop.
- Publicize the identity and location of Voting Assistance Officers within each major command, on each installation, and within each unit. Service, command, installation and unit websites should maintain prominent voting information links for the benefit of Service members.
- Service Voting Assistance Officers must establish and maintain a directory of major command and installation Voting Assistance Officers and have the



OSD 00737-04

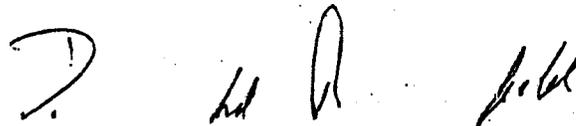
Exhibit 1

means by which to effectively and rapidly communicate with them and their subordinates. I will be asking Dr. David Chu to meet with the Senior Service Voting Representatives regularly between now and election day to get updates and act quickly to resolve any problems.

- Voting materials, including the Federal Post Card Application and the Federal Write-In Absentee Ballot must be distributed to all units, and unit Voting Assistance Officers must be aware of the availability of such materials. These materials are available in book form, on CD and on the Internet at <http://www.fvap.gov>. I want to ensure each Service member is handed the Federal Post Card Application and is offered assistance in completing the form if needed.
- Use your command and public information capabilities to support the September 2004 Armed Forces Voter's Week and designate other special days to inform members and families of absentee voter registration and voting procedures ensuring that all voters are registered to vote by the end of September. I want each of you to designate the week of October 11-15<sup>th</sup> as Absentee Voting Week. If overseas voters complete and mail their ballots by October 15, their votes will reach any precinct in time to be counted.

We will not recommend any party or candidate. Our mission is to ensure every Service member and their families have the opportunity to vote in the appropriate Primary, Special, Runoff and General Elections and to ensure that their votes are counted.

Voting is both a privilege and a responsibility of citizens in a democracy. It is our responsibility, as leaders of the Armed Services, to do everything we can to ensure that our Service members and their families exercise their right to vote.





THE SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

UPR

MAR 17 2004

**MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
COMBATANT COMMANDERS**

**SUBJECT: Opportunity to Vote During the 2004 Elections**

As the men and women of our Uniformed Services serve around the world defending democracy and freedom, we are reminded of our precious right as Americans to choose our national leaders. Today, more people around the world than ever before hold this most fundamental democratic right—the right to vote. This year, Americans at home and abroad will vote in elections to fill Federal, state and local offices. We will be voting to elect the President and Vice President, 34 U.S. Senators, the entire U.S. House of Representatives, 13 State Governors, and hundreds of local officials. The outcome of these elections will shape the nation's future.

For the men and women of our Uniformed Services, the opportunity to register and cast their ballots in the 2004 elections will depend significantly on the assistance and support they receive from Service and command voting programs and from the Voting Assistance Officers assigned to their units. Those serving overseas, especially in Iraq and Afghanistan, and mobilized National Guard and Reserve units, will face the additional challenges of the availability of election information and materials and the lengthened time it takes to receive and return their absentee ballots through the mails. I want your support for the following:

- Ensure command support of the voting program at all levels of command. Personal involvement of commanders is crucial to effective implementation of the voting program. Assign quality officers the duty of Voting Assistance Officers and comment on their performance as a Voting Assistance Officer on their evaluation reports. Voting Assistance Officers must be given the time and resources needed for them to perform their duties effectively, including the opportunity to complete a Federal Voting Assistance Program Training Workshop.
- Publicize the identity and location of Voting Assistance Officers within each major command, on each installation, and within each unit. Service, command, installation and unit websites should maintain prominent voting information links for the benefit of Service members.



OSD 00737-04

**Exhibit 2**

- Service Voting Assistance Officers must establish and maintain a directory of major command and installation Voting Assistance Officers and have the means by which to effectively and rapidly communicate with them and their subordinates. I will be asking Dr. David Chu to meet with the Senior Service Voting Representatives regularly between now and election day to get updates and act quickly to resolve any problems.
- Voting materials, including the Federal Post Card Application and the Federal Write-In Absentee Ballot must be distributed to all units, and unit Voting Assistance Officers must be aware of the availability of such materials. These materials are available in book form, on CD and on the Internet at <http://www.fvap.gov>. I want to ensure each Service member is handed the Federal Post Card Application and is offered assistance in completing the form if needed.
- Use your command and public information capabilities to support the September 2004 Armed Forces Voter's Week and designate other special days to inform members and families of absentee voter registration and voting procedures ensuring that all voters are registered to vote by the end of September. I want each of you to designate the week of October 11-15<sup>th</sup> as Absentee Voting Week. If overseas voters complete and mail their ballots by October 15, their votes will reach any precinct in time to be counted.

We will not recommend any party or candidate. Our mission is to ensure every Service member and their families have the opportunity to vote in the appropriate Primary, Special, Runoff and General Elections and to ensure that their votes are counted.

Voting is both a privilege and a responsibility of citizens in a democracy. It is our responsibility, as leaders of the Armed Services, to do everything we can to ensure that our Service members and their families exercise their right to vote.

*D. Chu*



THE SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000



AUG 5 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
COMMANDERS OF THE COMBATANT COMMANDS

SUBJECT: Opportunity to Vote During the 2004 Elections

For the men and women of our Uniformed Services, the opportunity to register and cast their ballots in the 2004 elections will depend significantly on the assistance and support they receive through Service and command voting programs and from the Voting Assistance Officers assigned to their units. On March 17, 2004, I sent you a memorandum emphasizing steps to be taken to ensure that our voting assistance efforts are effective and that our men and women in uniform are well served through our voting assistance programs. I want you to review that memorandum as a tool to assess your voting assistance programs leading up to the November election. Additionally, I want to emphasize the following:

- Encourage top-level involvement in the voting process throughout every level of command. Verify that your voting programs are in place and that they are working.
- During field visits, the Deputy, Chairman and Vice-Chairman will ask who is assigned as the Voting Assistance Officer for that installation or command and they will want to speak to them. One question that will be asked is: "What are the metrics against which you are rated in the performance of your duties as a Voting Assistance Officer?"
- The U.S. Postal Service and the Military Postal Service Agency will implement special mail handling procedures to expedite delivery of election materials during the period preceding the November election. I want you to ensure that this mail is delivered quickly to individual service members once it arrives at the unit level, especially to those members who are serving in detached locations.

During the September Combatant Commander Conference, I expect each of you to report on the activities and initiatives you have implemented within your organizations to ensure our service members have the opportunity to cast their ballots.

OSD 11578-04



Exhibit 3



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

SEP 9 2004

MEMORANDUM FOR COMMANDERS OF THE COMBATANT COMMANDS

SUBJECT: Absentee Ballots

The Department of Defense is fully committed to ensuring absentee ballots from our members overseas are returned in a timely fashion. It is our responsibility to ensure our military and civilian personnel have the opportunity to vote and to ensure their votes are counted.

Beginning October 11<sup>th</sup>, I ask you to take all actions possible to deliver ballots from forward postal locations to the nearest military mail concentration point (air massing point) within 24 hours. This will facilitate the prompt movement to the United States Postal Service gateway cities. At that point, special USPS procedures will assume responsibility for prompt delivery. Where temporary or new commercial airline service is established in your theater to support this effort, assistance in airline ground handling may be required at locations where airlines have little to no infrastructure.

Absentee voters should mail their ballots, or a Federal Write in Ballot, no later than October 11th if in the USCENCOM area of responsibility, and no later than October 15th in other parts of the world.

Under Secretary of Defense Personnel and Readiness is available to provide further information. If your staff needs assistance with the mail transportation issues, the point of contact is Lt Col Gabe Telles, (703) 325-8575, DSN 221 8575, email address gabe.telles@hqda.army.mil

Thank you for your assistance in ensuring our overseas voters' ballots will arrive in a timely manner at their election authorities.

cc:  
SECRETARIES OF MILITARY DEPARTMENTS  
CHAIRMAN, JOINT CHIEFS OF STAFF  
CHIEFS OF THE MILITARY SERVICES



OSD 13466-04

==  
**Exhibit 4**

TO: Pennsylvanians Serving Overseas in the Armed Forces and their Dependents

FROM: Major General Jessica L. Wright and Pedro A. Cortés  
The Adjutant General Secretary of the Commonwealth

READY, SET, VOTE!

Although we are several weeks away from Election Day 2004, NOW is the time for YOU to take action to get your absentee ballot and vote. By taking action NOW, you can make sure your vote counts in the fall. "It's your Future. VOTE for it!"

The Commonwealth of Pennsylvania is notifying Pennsylvania's military electors and their dependents of their right to vote in the upcoming General Election and reminding them of the steps they need to take to make sure their votes count.

It is critically important that Pennsylvania's citizens are afforded their right to vote, especially those who have dedicated themselves to defending our Nation. To that end, we are reaching out to our military voters to make sure they are aware of the procedures for absentee voting in Pennsylvania.

The linked file contains information regarding your right to vote and procedures for requesting and obtaining an official absentee ballot. Please read the information carefully. Your unit or installation Voting Assistance Officers are an additional source for obtaining information on absentee voting, and we in Pennsylvania stand ready to help you in any way we can to ensure that you have an opportunity to vote in this year's election.

Many of you have already taken action to request absentee ballots. We are pleased to advise you that County Boards of Elections, acting under guidance from the Pennsylvania Department of State, are taking steps to make sure absentee ballot materials are in your hands well in advance of the elections.

If you have not yet submitted an application for your absentee ballot, the linked information contains the steps you need to take. We have also linked an application for an absentee ballot. You can use the linked form or the official Federal Post Card Application. You can get the Federal Post Card Application on-line or from any Voting Assistance Officer.

You should print, complete and sign the Federal Post Card Application or the Pennsylvania application for the absentee ballot. If you have access to a fax machine, you should fax AND mail it to the board of elections of the county where you reside. You will find a list of fax numbers and mailing addresses in the attached document. IF YOU FAX THE APPLICATION, YOU MUST STILL MAIL THE ORIGINAL TO YOUR COUNTY BOARD OF ELECTIONS. An absentee ballot will be mailed to you promptly upon receipt of the fax, but your ballot will not be counted unless the paper application is received by your county board of elections before Election Day. If you do not have access to a fax machine, you should still mail the application to your county board of elections as soon as possible.

If you have questions about exercising your right to vote in the upcoming elections, contact your Voting Assistance Officer.

We hope this information is helpful. For additional information, please go to the Federal Voting Assistance Program website or the Pennsylvania Department of State website.

## Exhibit 5

Please allow us to extend our personal gratitude to each of you for your service to our state and nation.

Major General Jessica L. Wright  
Adjutant General of Pennsylvania  
[www.dmva.state.pa.us](http://www.dmva.state.pa.us)

Pedro A. Cortés  
Secretary of the Commonwealth  
[www.dos.state.pa.us](http://www.dos.state.pa.us)

**Exhibit 5**



## FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE  
WASHINGTON, DC 20301-1155

The Honorable Bill Richardson  
Governor of New Mexico  
State Capitol, Fourth Floor  
Santa Fe, NM 87300

March 10, 2004

Dear Governor Richardson:

As our nation's military efforts in Iraq and Afghanistan continue, many National Guard units are being called to Federal service for duty to support our national defense. The members of these mobilized units may have to vote in the 2004 elections by absentee ballot rather than in person at the polls as they had planned.

The Federal Voting Assistance Program in the Department of Defense strives to ensure that Uniformed Service members who are away from their voting residence during elections have the opportunity to vote by absentee ballot. In order for these Service members to do so, they must register to vote and request absentee ballots from their local election official. The Federal Post Card Application (Standard Form 76) is the form that they send to their local election official to apply for registration and to request absentee ballots for forthcoming elections. The Federal Write-In Absentee Ballot (Standard Form 186) is the form that may be used as an emergency ballot to vote in Federal elections when an overseas member has not received his or her requested state ballot in time to be submitted for counting.

I am writing to request your personal support to ensure that activated New Mexico National Guard members have the opportunity to vote in all elections while they are on active duty and away from home. You can help by ensuring that whenever a New Mexico National Guard unit is notified that it will be called up, that the members of that unit receive a Federal Post Card Application form to submit to request their absentee ballot. Further, for New Mexico National Guard units that are to serve overseas, the members should be provided with a Federal Write-In Absentee Ballot for their use if needed. Both of these forms are available through the Army or Air Force supply systems.

Thank you in advance for your support in ensuring our National Guard soldiers and airmen have the opportunity to vote.

Sincerely,

A handwritten signature in black ink, appearing to read "P. K. Brunelli", is written over the typed name and title.

P. K. Brunelli  
Director

**Exhibit 6**



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

April 5, 2004

**MEMORANDUM FOR DEPUTY CHIEF OF STAFF, US CENTRAL  
COMMAND**

**SUBJECT: Electronic Transmission of Election Materials in Support of the  
Troops Stationed in Southwest Asia**

For over a decade, the Department of Defense's Federal Voting Assistance Program (FVAP), working with state and local government officials, has taken numerous steps supporting Uniformed Services members worldwide in exercising their right to vote absentee.

In 1990, when we experienced a military emergency situation with *Operation Desert Shield/Desert Storm*, FVAP established and has since maintained the Electronic Transmission Service (ETS) for faxing of election materials – where allowed by state law. During the onset of *Operation Joint Endeavor* and *Operation Enduring Freedom*, FVAP reemphasized the availability of the ETS for faxing of election materials to the Armed Forces. Over the years, the ETS has been utilized as an alternative method of transmitting balloting materials where a citizen might otherwise be disenfranchised. Without the ability to utilize the ETS, Uniformed Services members deployed in remote areas such as Iraq and Afghanistan may not be able to register and vote.

Again we are faced with the challenge of making it possible for military units deployed in Iraq and Afghanistan to register and vote in the 2004 general election. While mailing of voting materials remains the primary method by which the Uniformed Services members will cast their vote, it is imperative to have an alternative method for voting to expedite the registration and voting process. Experience confirms that faxing of election materials is an effective approach to accomplish this mission. Therefore, your support in directing Commands to allow for the transmission of voting materials via fax machines to and from Uniformed Services members serving in these areas is vital to the success of this operation. Voting materials include the Federal Post Card Application, the un-voted ballot, the voted state ballot and the Federal Write-In Absentee Ballot. Voting Assistance Officers should assist with the registration and ballot faxing process as appropriate.

**Exhibit 7**

Please identify locations where Uniformed Services members stationed throughout Iraq and Afghanistan may have access to fax machines. The FVAP office will notify Service Voting Action Officers of faxing availability and ensure Commands inform the troops. This effort should be in place by the end of March to help ensure the voters can participate in upcoming primaries as well as the general election in November 2004.

The following actions have been taken to help ensure these citizens have the opportunity to register and vote; and, that local election officials receive voted ballots in sufficient time to be counted:

- The Military Postal Service is sending special instructions to all military postal units for expedited handling and postmarking of all election materials destined to or mailed from Uniformed Services members serving overseas, as required.
- Distribution of additional voting materials to all supporting commands to help ensure availability and access to voting materials for Uniformed Services members.

It is essential that we continue to facilitate absentee voting by the Uniformed Services and their family members. With our troops deployed to remote areas in large concentrations, we have a unique situation that requires special attention.

If you have any questions concerning the process for faxing voting materials, contact Terry Williams with FVAP at DSN 425-1584 or (703) 588-1584 or email at [vote@fvap.ncr.gov](mailto:vote@fvap.ncr.gov).



P.K. Brunelli  
Director

**Exhibit 7**



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000



July 12, 2004

Mr. J. Bradley King and Ms. Kristi Robertson  
Co-Directors  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204

Dear Mr. King and Ms. Robertson:

As we approach the 2004 Federal election, the Department of Defense and the Department of Justice seek your cooperation in ensuring that Uniformed Services members and overseas citizens will have a full opportunity to vote. Especially at this time when so many of our military personnel are deployed to combat areas and serving their country around the world, we are certain you share our concern for guaranteeing that requested ballots for qualified overseas voters will be transmitted without delay and that voters will have a meaningful opportunity to return them in time to be counted.

The Secretary of Defense is responsible for administering the Federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. That authority is delegated to the Director, Federal Voting Assistance Program (FVAP). The Department of Justice is charged with enforcing *UOCAVA*.

We have been working closely together to find solutions to absentee ballot transit problems and delays exacerbated by uncertain mail delivery in many parts of the world. We will continue to work with state and local officials to address potential problems and it is our hope to avoid unnecessary litigation to enforce the rights of voters protected by *UOCAVA*.

The FVAP and the Department of Justice support and encourage state-sponsored initiatives to facilitate effective voting opportunities for their residents who are absent overseas. Since many of our Uniformed Services personnel are deployed to combat areas in Iraq and Afghanistan or are serving in remote regions, it is particularly important to allow at least a 45-day transit time from your mailing of ballots to your state's deadline for receiving voted absentee ballots. In addition, a number of states are using electronic means to send and/or receive Federal Post Card Application forms as well as ballots. We urge you, as the state's chief election official, to:

- Encourage election officials to use expedited postal or courier methods to deliver absentee ballots to *UOCAVA* citizens.



Exhibit 8

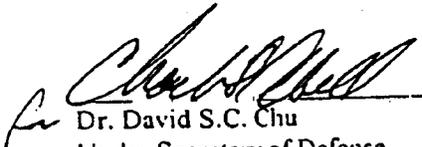
- Review your existing options if regular ballots cannot be mailed 45 days prior to the ballot receipt deadline (e.g., the use of back-up or special write-in ballots) and seek the necessary authority to put in place such emergency procedures.
- Seek the legislative or regulatory authorization to permit overseas voters protected by *UOCAVA* to apply for, receive and return absentee ballots by facsimile or electronic mail methods, in addition to traditional mail delivery. Procedures to consider include:
  - Allow the voter to fax the FPCA to election officials.
  - Allow election officials to fax or email the blank ballot to the voter.
  - Consider a faxing/email option for return of voted ballots. If your state currently does not allow voting materials to be transmitted via email, but does allow faxing, FVAP has enhanced its electronic transmission service to receive faxed voting materials and forward them as email attachments. This option will provide a viable alternative to mailing voting materials by Uniformed Services members stationed in Iraq and Afghanistan and other overseas areas. Due to the security measures taken by the military, the capability for unclassified fax transmissions is not available to most of our men and women serving this region, but email transmissions are an option for many. After receiving an email from Uniformed Services members and other overseas voters, FVAP can forward the transmission to the states as a fax document to comply with state law.
  - FVAP's toll-free electronic transmission service for faxing of election materials is available to election officials at 1.800.368.8683.

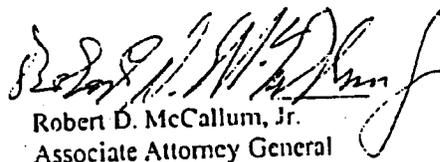
Adoption of these instantaneous methods of transmittal such as faxing and email, with appropriate safeguards to protect the integrity and security of ballots, will ensure that overseas voters are not disenfranchised due to mail delays, especially in combat areas. (Enclosed are statutory provisions recently enacted in Oklahoma and Florida that might serve as a useful model for these procedures).

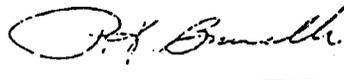
We appreciate your prompt attention to this important issue. Please advise us what actions you intend to take to help our Uniformed Services personnel, their family members, and overseas citizens register and vote in the 2004 elections.

The FVAP point of contact is John Godley. His email address is godlevj@fvap.ncr.gov and his phone number is 1.800.438.8683 or 703.588.1584. The Department of Justice contact is Rebecca Wertz. Her email address is rebecca.j.wertz@usdoj.gov and her phone number is 1.800.253.3931.

Sincerely,

  
Dr. David S.C. Chu  
Under Secretary of Defense  
for Personnel and Readiness  
Department of Defense

  
Robert D. McCallum, Jr.  
Associate Attorney General  
Department of Justice

  
Polli Brunelli  
Director, Federal Voting  
Assistance Program  
Department of Defense

  
R. Alexander Acosta  
Assistant Attorney General  
Civil Rights Division  
Department of Justice

Enclosures

cc: Governor Joseph Kernan  
Attorney General Steve Carter

**Exhibit 8**



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000



October 29, 2004

The Honorable W. Fox McKeithen  
Secretary of State  
300 State Capitol Drive  
Baton Rouge, Louisiana 70804-9125

Re: Changes in Absentee Ballot Rules for Uniformed Services and Overseas Voters

Dear Secretary McKeithen:

The Department of Defense is responsible for administering the federal responsibilities of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. 1973ff et. seq., and the Department of Justice is charged with enforcing the statute.

We are writing to notify you of an important change in UOCAVA that affects the voting rights of military personnel, their dependents, and other overseas voters. On October 28, 2004, President Bush signed into law H.R. 4200, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 ("the Act"). Section 566 of the Act amends UOCAVA by expanding the use of the Federal Write-In Absentee Ballot ("FWAB").

As you are aware, use of the FWAB was previously limited to absent overseas voters. The Act amends UOCAVA so that FWABs can now also be used by absent uniformed services voters in the United States as well as overseas voters. In other words, military personnel and their voting age dependents who are in the United States but are absent from their place of residence where they are otherwise qualified to vote during the general election, can vote using an FWAB.

Section 566 also changes one of the conditions under which FWAB shall be counted by local or state election officials -- the deadline for receipt of the application for an absentee ballot request. Previously, under Section 103 of UOCAVA, the FWAB would not be counted if the application for a "State absentee ballot" was received by election officials "less than 30 days before the general election." The amendment now specifies that the FWAB will not be counted if the application for a State absentee ballot is received after *the later of* (A) the deadline of the

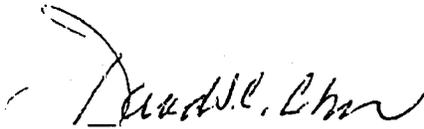


Exhibit 9

State for receipt of such application; or (B) the date that is 30 days before the general election." All of the other conditions specified in the statute for use of the FWAB have not changed and remain the same.

The Federal Voting Assistance Program has recently developed an official on-line version of the FWAB and information about that form is available from the FVAP Office. If you have any questions about this, you can contact Rebecca Wertz at 1-800-253-3931 in the Department of Justice or John Godley at the Federal Voting Assistance Program, in the Department of Defense, at 1-800-438-8683 or 703-588-1584.

Sincerely,

  
Dr. David S.C. Chu  
Under Secretary of Defense  
for Personnel and Readiness  
Department of Defense

  
Polli Brunelli  
Director, Federal Voting  
Assistance Program  
Department of Defense

  
for Robert D. McCallum, Jr.  
Associate Attorney General  
Department of Justice

  
R. Alexander Acosta  
Assistant Attorney General  
Department of Justice

**Exhibit 9**