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

September 24, 2008

The Honorable John Gale
Secretary of State
State Capitol, Suite 2300
P.O. Box 94608
Lincoln, NE 68509-4608

Dear Secretary Gale,

I would like to thank you for the work you and the state of Nebraska 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 like Nebraska 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 Nebraska's existing election code and procedures, I have identified one initiative that the Nebraska legislature might consider during the upcoming legislative session. The initiative is discussed in detail with suggested wording in the enclosed document. If the initiative is enacted and signed into law, it would significantly help to facilitate the absentee voting process for Nebraska's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. Information available to FVAP indicates that there are 6,795 Uniformed Services members, an estimated 5,000 family members and approximately 25,000 overseas citizens that claim Nebraska as their voting residence.

As you review the initiative for possible inclusion in Nebraska's 2008 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:
2008 Legislative Initiatives and Suggested Wording

Nebraska 2009 Legislative Initiatives and Sample Language

Electronic Transmission of Election Materials

Since the 1990 general election faxing 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 otherwise not 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 Nebraska enacted legislation to provide for electronic transmission of the Federal Post Card Application (FPCA) for registration and ballot requests and allows electronic transmission of the blank ballot to Uniformed Service members and civilians outside the United States. However, we recommend expanded use of this alternative to include electronically sending the blank ballot to all citizens covered by *UOCAVA*, and accepting the voted ballot from these citizens where circumstances would otherwise disenfranchise them.

Sample Language

An applicant who is a member of the United States Armed Forces 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. A local election official may send and receive absentee ballot applications and accept voted ballots from eligible electors via electronic transmission.

Acceptance of a Signature and Date on Ballot as Evidence of Time of Completion

We recommend that **Nebraska accept the signature and date on a ballot envelope as evidence of the time the ballot was completed by a uniformed service or overseas voter in lieu of a postmark**. Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing

and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on election day.

Sample Language

If the voter is residing outside the United States, or is a member of the United States Uniformed Services, merchant marine, or a family member, and a qualified elector, the ballot shall be counted if it is signed and dated by the voter prior to the close of polls on election day and received by the absentee ballot deadline.