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

September 17, 2007

Mr. John Abramson Jr.
Supervisor of Elections
P.O Box 6038
Emancipation Garden Station, Charlotte Amalie
St. Thomas, Virgin Islands 00801-6038

Dear Mr. Abramson Jr.,

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 Virgin Islands's existing election code and procedures, I have identified five initiatives that the Virgin Islands 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 Virgin Islands's citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. There are many uniformed Services members, their family members and overseas citizens that claim Virgin Islands as their voting residence.

As you review the enclosed initiatives for possible inclusion in Virgin Islands'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

Virgin Islands 2008 Legislative Initiatives and Sample Language

Expansion of Late Registration Procedures

The Virgin Islands currently allows members of the Armed Forces and merchant marine, discharged within 60 days of an election and who return to the Virgin Islands too late to register, to vote in the upcoming election. We recommend that the Virgin Islands expand the scope of this procedure and **allow Uniformed Services personnel (Coast Guard, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration), civilians recently separated from overseas employment, and the spouses and dependents of all these groups to be eligible for the same procedure.** These citizens also go through a relocation transition period when they separate from service or overseas employment. The timing of their discharge or employment termination may prevent them from meeting the normal registration deadline. Expanding the scope of your existing procedure would solve this problem. **Eighteen** states currently have a late registration procedure that includes all *UOCAVA* citizens.

Sample Language

An individual, or accompanying family member, 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 deadline, shall be entitled to register up to the day of the next election after such discharge, separation, or termination of employment.

Special Write-in Absentee Ballot

We also recommend the Virgin Islands provide special write-in absentee ballot for all elections. The purpose of the special write-in absentee ballot is to **provide a method for voting by military and other persons overseas who, due to military contingencies or special circumstances such as those faced by submariners, 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 in the normal time frame**. A voter could request a special write-in absentee ballot 90 days in advance when they know that they will be unable to receive, vote, and return the regular ballot in time to be counted. **Twenty-seven** states now provide special write-in absentee ballots.

This special write-in absentee ballot should not be confused with the Federal Write-In Absentee Ballot (FWAB) that is prepositioned at embassies and consulates, military installations, overseas organizations and corporations. In comparison, the FWAB is generally only available to military members on active duty absent from their voting residence and overseas citizens who have already applied for a regular absentee ballot from the state. They do not know in advance that they need the FWAB. If the regular ballot from the state does not arrive in sufficient time for the voter to return the voted ballot and meet

the deadline, these voters may obtain, vote, and return the FWAB to the local election official.

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 or family member of the United States Uniformed Services or merchant marine, and a qualified elector, he or she may request, not earlier than 180 days before an election, a special 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 ballot will be available "90 to 180" days before the election.

Expand Use of Federal Write-In Absentee Ballot

Currently the Federal Write-In Absentee Ballot (FWAB) may be used only in general elections for Federal offices only. This ballot is prepositioned worldwide at Embassies and Consulates, military installations and overseas organizations and corporations with American membership. By **expanding its use to include special, primary and runoff elections for Federal offices**, citizens would not be disenfranchised because regular ballots are not received in a timely manner. Frequently, there is insufficient time between the call for a special election and the actual election and between primary and runoff elections. Allowing use of the FWAB in these elections would reduce the possible need for legal action when insufficient time exists for the ballot to be received, voted and returned to be counted. During past primaries, on an *ad hoc* basis, several states and jurisdictions allowed the FWAB to be used for offices other than Federal offices. **Thirteen** states have legislatively expanded the use of the FWAB for other than Federal offices beyond the Federal law.

In addition, for those citizens that desire to vote in elections for Federal office only, the acceptance of the FWAB voter declaration as **a request for registration simultaneously with the submission of the FWAB** would further simplify the process, improve on transit time and help ensure enfranchisement. It should be noted that the information requested on the voter declaration is basically the same as the information requested from the voter on the Federal Post Card Application (FPCA). We recommend the FWAB be accepted simultaneously as a registration form and ballot by the state for general election and Federal offices if:

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

(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 election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

The adoption of this initiative would save Virgin Islands money, and alleviate administrative responsibilities on the part of the chief election officer.

Sample Language

- Expanded use of the FWAB:

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot in general, special, primary, and run-off elections for local, state and Federal offices.

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

If the voter is residing outside the United States, or is a member of the United States Uniformed Services or merchant marine, or their family members, and a qualified elector, he or she may use the Federal Write-In Absentee Ballot (FWAB) voter declaration as a request for registration simultaneously with the submission of the FWAB if:

(1) the information submitted complies with Virgin Islands registration requirements;

(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 election official not less than 30 days before the election, or by the registration deadline established by the state, whichever is later.

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

There are many U.S. citizens who have never resided in the U.S. 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 or territory, they would be eligible to vote in elections for Federal office. **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 citizen is eligible to register and vote where his or her parent is a qualified elector.

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

We recommend that **Virgin Islands 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.