

**MILITARY AND OVERSEAS VOTING: EFFECTIVE-
NESS OF THE MOVE ACT IN THE 2010 ELEC-
TION**

HEARING
BEFORE THE
**COMMITTEE ON HOUSE
ADMINISTRATION**
HOUSE OF REPRESENTATIVES
ONE HUNDRED TWELFTH CONGRESS
FIRST SESSION

Held in Washington, DC, February 15, 2011

Printed for the use of the Committee on House Administration



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MILITARY AND OVERSEAS VOTING: EFFECTIVENESS OF THE MOVE ACT IN THE 2010 ELECTION

TUESDAY, FEBRUARY 15, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 10:30 a.m., in room 1310, Longworth House Office Building, Hon. Daniel E. Lungren (chairman of the committee) presiding.

Present: Representatives, Lungren, Schock, Nugent, Brady, Lofgren, and Gonzalez.

Also Present: Representative Wilson of South Carolina and Davis of California.

Staff Present: Phil Kiko, Staff Director & General Counsel; Peter Schalestock, Deputy General Counsel; Kimani Little, Parliamentarian; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Bob Sensenbrenner, Elections Counsel; Karin Moore, Elections Counsel; Jamie Fleet, Minority Staff Director; Kyle Andersen, Minority Press Secretary; Matt Defreitas, Minority Professional Staff; Khalil Abboud, Minority Elections Staff; and Thomas Hicks, Minority Elections Counsel.

The CHAIRMAN. I now call to order the Committee on Administration for today's hearing on the implementation on the Military and Overseas Voter Empowerment, or MOVE, Act during the latest, that is the 2010, elections.

The hearing record will remain open for five legislative days so that members may submit any materials they wish to be included therein. As an initial matter, I ask unanimous consent that the members of the Committee on Armed Services, Subcommittee on Military Personnel, be allowed to participate in this hearing. And we I think will have them come along the way.

Without objection, it is so ordered.

I would like to thank my colleagues and all the witnesses for being here today. This is a necessary and vitally important hearing as we seek to evaluate the MOVE Act's effectiveness during the last election cycle. This panel in the last Congress passed out the MOVE Act. It was passed on the floor of the House. It was passed in the Senate. The President signed it, and we expected it to be followed. This is a hearing to find out how well it was followed, what problems may have occurred, and why it was not more effective.

We have two excellent panels of witnesses, each of whom possesses valuable real world experience in voting and election issues.

As we must do everything we can to guarantee that our military personnel have the right to vote upheld, I am particularly interested in how to hear how successful States were in implementing the MOVE Act during the 2010 elections; why States were granted waivers for MOVE Act requirements and why they were denied; and what steps are being taken by the Department of Justice to ensure compliance without equivocation in future elections.

I did take notice of the recently released Overseas Vote Foundation's 2010 Post-Election Voter and Local Election Officials Survey Report. The report found that in 2010, 82 percent of sampled overseas voters received the ballot they requested, representing a 5 percent improvement over 2008. The report also found that the percentage of 2010 sample overseas voters who received their ballot after mid-October declined from 28 percent to 16.5 percent. These findings indicate improvement, but the problems are still not eliminated.

According to the report, when the number of overseas voters who did not get a ballot or received their ballot too late are added together, fully one-third of the survey's respondents attempted to vote but could not. While this is an improvement over the 50 percent reported in 2008, it is obviously not good enough. We must do better.

The 1986 Uniformed and Overseas Citizens and Absentee Voting Act and the 2009 MOVE Act were both aimed at ensuring our brave servicemen and servicewomen are not disenfranchised. Given their sacrifice on our behalf, they deserve every effort to be made on their behalf to guarantee their right to participate in our elections.

I now would like to recognize my colleague and the committee's ranking member, Mr. Brady, for the purpose of providing an opening statement.

[The statement of the Chairman follows:]



Opening Statement: Chairman Lungren

I want to thank my colleagues and all the witnesses for being here today. This is a necessary and vitally important hearing as we seek to evaluate the MOVE Act's effectiveness during our last election cycle.

We have two excellent panels of witnesses, each of whom possess valuable real-world experience in voting and elections issues.

We must do everything we can to guarantee that our military personnel have their right to vote upheld. I am particularly interested to hear how successful states were in implementing the MOVE Act during the 2010 elections, why states were granted waivers from MOVE Act requirements and why they were denied, and what steps are being taken by the Department of Justice to ensure compliance, without equivocation, in future elections.

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According to the Report, when the numbers of overseas voters who did not get a ballot or received their ballot too late are added together, fully one-third of the survey's respondents attempted to vote but could not. While this is an improvement over the 50% reported in 2008, this is not good enough. We must do better.

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Mr. BRADY. Thank you, Mr. Chairman. And I want to thank you for calling this important meeting hearing the effectiveness on the Military Overseas Voter Empowerment Act of 2010 Election.


This represents a substantial effort on the part of the committee to make it possible to have our brave men and women, give them the absolute right to—in armed services—give them the absolute right and guarantee to be able to vote.

Like any product of Congress, this legislation is far from perfect. And while I believe it has improved the voting process for millions of Americans living and working overseas, it is unacceptable that as many as 30 percent of the ballots may have gone uncounted.

I would like to ask unanimous consent to have the rest of my statement be put in the record without me reading it because I am anxious to listen to our witnesses and be able to figure out any way possible that this committee, myself and anybody else can make it possible, again, to have the men and women that are fighting for our freedom in harm's way, fighting for my family, my children, my grandchildren, to make sure that they have the absolute right to be able to vote and be able to have their ballot counted.

So I thank you, Mr. Chairman, and I yield back the balance of my time.

[The statement of Mr. Brady follows:]



Committee on House Administration

Democratic Office

Robert A. Brady, Ranking Member

Statement by Ranking Member Robert A. Brady
Military and Overseas Voting:
Effectiveness of the MOVE Act in the 2010 Election
Tuesday, February 15, 2011

I want to thank the Chairman for calling this very important hearing on the effectiveness of the Military and Overseas Voter Empowerment Act in the 2010 election. While it originated in the other body, the MOVE Act represents a substantial effort on the part of this Committee to make it possible for brave men and women serving in our Armed Services to have an absolute guaranteed ability to vote. Like any product of Congress, this legislation is far from perfect. And while I believe it improved the voting process for millions of Americans living and working overseas, it is unacceptable that as many as 30% of their ballots may have gone uncoun-
 ted.

There are three main improvements to military voting made by the Act. The first requires states to send out validly requested ballots at least 45 days before an election. This will hopefully give the voter enough time to receive, cast and send back the ballot in time to be counted. The second prohibits states from rejecting otherwise valid voter registration applications, absentee ballot applications or marked absentee ballots from overseas voters or uniformed service members because of notarization requirements or the paper's weight or size. And the third expands the use of the Federal write-in ballot to include, primaries, runoffs and special elections, which will improve the number of ballots cast and counted.

Since election administration is largely a state and local matter and the tools and techniques used to facilitate elections are broad and diverse, there were bound to be some problems in implementing this law. In improving this law, I am hopeful we will get important feedback from our witnesses today as well as the not-yet-completed election data survey by the Election Assistance Commission and the required reports from the Department of Defense.

Again, I would like to thank Chairman Lungren for calling this important hearing and I pledge my support to you in working with Members on both sides of the aisle to further improve the ability of our brave men and women serving this country abroad, to participate in our election process.

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The CHAIRMAN. Without objection, the gentleman's full statement will be added to the record.

And statements of all other members will be added as well.

And I thank the members of the Subcommittee on Armed Services for joining us here today as well.

I would like to ask unanimous consent to insert these additional items into the record: two articles by a former voting rights section attorney J. Christian Adams that are critical of the Department's efforts to enforce the MOVE Act; an article in the publication *Advertising Age* highlighting the Federal Voting Assistance Program's outreach efforts to military voters through Superbowl ads; and four letters sent to the Committee on House Administration by the Secretaries of State of Indiana, Mississippi, Florida and Georgia. These letters detail those States' efforts to comply with the MOVE Act.

Without objection, they will be entered in the record.

[The information follows:]

Inept: PJM Readers Knew Illinois Failed Military Voters, but DOJ Didn't

Posted By [J. Christian Adams](#) On October 13, 2010 @ 7:29 pm In [Uncategorized](#) | [51 Comments](#)

When I reported at PJM that military ballots in New York failed to mail just three weeks before the election, I described it as surreal. Surreal became tragic when considering how badly the DOJ dropped the ball. They failed to do anything about the problem for eight days after learning about it.

Now it has gotten much worse. I can report that Illinois has at least 25 counties which failed to mail military ballots in compliance with federal law. *And DOJ never had a clue.* The DOJ, charged with oversight, never detected the failure. To military families and servicemembers, rage is the only appropriate response.

I [first reported](#) ^[1] over a week ago at PJM that ballots did not mail in parts of Illinois. All day long Wednesday, DOJ attorneys breathlessly pursued information about Illinois. I have obtained communications from DOJ and emails related to this panicked DOJ inquiry. They reveal that as of Wednesday, DOJ still didn't know what was going on in Illinois 25 days after the September 18 mailing deadline — even though PJM did on October 7.

It's time for members of Congress besides Senators Charles Schumer and John Cornyn to start demanding answers.

Bob Delaney, the St. Clair County clerk, outright refused to mail nearly 1,500 military ballots until October. He had hoped to include a GOP-spoiling Constitution Party candidate to the ballot. The spoiler never had a chance of getting in the race, and the ballots never mailed to military voters. Whether DOJ will act against such nakedly partisan motives remains to be seen.

Some like to speculate that the failure to enforce the MOVE Act must be intentional. They think DOJ is trying to help fading Democratic hopes. They say President Obama wants to help home state Democrats. For now, I tend to disagree, as would anyone who has ever worked inside the Voting Section at DOJ as I have. Everyone who works there knows exactly what the problem is: a broken enforcement system managed with a total lack of urgency.

In the spring, the Pentagon sent the DOJ a draft for waiver guidance to issue to the

states. Waivers are available to states to opt out of the MOVE Act for one year, for good cause. The Pentagon wanted to give states some sense of when waivers might be justified, how they should structure their ballot mailing programs, and what would result in a denied waiver. They sent a draft to the DOJ.

The DOJ never wrote back with suggestions.

Because there was no guidance, states were left waiting and had no idea what to do. They failed to fix their laws, applied for waivers, and were denied in some instances. But the broken state systems were in place for the elections, without any chance for repair under DOJ guidance.

Again, the inability to move a document from point A to point B will come as no surprise to anyone has worked inside the Voting Section. Memos on important cases have sat gathering dust in the military voting pipeline for weeks, sometimes months. This peculiar inability to make a decision or to take decisive action is well-known and fully understood. There is also a history of aversion to entering a courtroom to litigate a case (though I'll bet Arizona Governor Jan Brewer wonders why that wasn't an issue in the parts of the Justice Department attacking her anti-illegal alien laws).

But protection of military voting rights requires urgency: there is no law enforced by the Voting Section that demands similar speed, and the ability to assess and react quickly. It's similar to the tasks faced by our heroes in uniform.

Congress will have ample opportunity to collect documents about the catastrophic errors in 2010. These were foreseeable errors: indeed, I wrote about them [here at PJM](#) [2] last summer, and others with firsthand knowledge of the broken system warned Americans about the mess that was coming. Sadly, it has gone worse than imagined.

If you are wondering what the system is that I claim is broken — how the DOJ actually investigates to see if states are mailing ballots in time to military voters — it's not secret. You can read about their crack investigative methods in an affidavit filed in the 2008 case against Virginia (click [here](#) [3]). Quite simply, the DOJ calls the states and asks state officials if their counties mailed the ballots in time. In Virginia in 2008, and in multiple places in 2010, this method just wasn't good enough.

The non-profit Military Voter Protection Project — headed by Eric Eversole, a former DOJ Voting Section attorney — is a private organization which exists to detect failures to mail military ballots. They use a different methodology, which is more effective than the one DOJ uses. MVPP detected failures in Illinois and New Mexico before the DOJ did. (Once again, the private sector performs better.)

After the mess of 2008 and the shame of having to file that embarrassing affidavit, the DOJ should have reassessed how it protects military voting rights. It didn't. Obviously, it wasn't a priority of Attorney General Holder. Additionally, this DOJ has shown a preference to deny they did anything wrong rather than hurry to fix a

problem.

The person in charge of the process at the Voting Section doesn't take the criticism seriously, either.

The criticism was characterized by this person directly to me as a "biannual event, everyone complains every two years." In other words: they've come to expect that people don't think they do a good job, and they don't care. They think the complaints arrive on a regular schedule, instead of deriving from their own performance.

The first step to recovery is to admit you have a problem, and Attorney General Holder has a very big problem on his hands. Actually, so does President Obama. If the mess of 2010 repeats in 2012, this president will have an even harder time convincing the public he merits reelection. I promise the voices of critics and the watchful eyes of citizens will be more intense in two years.

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[1] first reported: <http://pajamasmedia.com/../../blog/more-disgrace-the-obama-holder-justice-department-is-failing-our-military-voters/>

[2] here at PJM: <http://pajamasmedia.com/../../blog/disgrace-doj-fails-to-protect-military-voting-rights/>

[3] here: <http://www.scribd.com/doc/34747311/McCain-Motion-to-Intervene-11-14-08-ExA>

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DOJ's Military Voting Mess Continues Post-Election, but Congress Now Paying Attention

Posted By [J. Christian Adams](#) On November 17, 2010 @ 12:00 am In [Uncategorized](#) | [60 Comments](#)

The military voting mess of 2010 isn't over. In some states, ballots continue to roll in. Whether or not these late ballots will be counted remains to be seen.

I have learned that voters deployed across Iraq and Afghanistan received ballots far too late to be effective. The MOVE Act of 2009 was designed to fix this problem, but may have failed. One reason for the failure: open contempt inside the Department of Justice to the mandates of the new law.

It will be up to the new Congress to examine what happened in 2010 and to implement a remedy that prevents the same mess in 2012, and ending the DOJ monopoly on enforcing the law should top the list. Congress should give soldiers and sailors the right to sue when ballots don't mail on time. DOJ bureaucrats can no longer be trusted as exclusive stewards of military voting rights.

Pajamas Media has extensively covered the military voting mess of 2010 and how DOJ dropped the ball [over](#) ^[1] and [over](#) ^[2] again. From failing to provide the states with written guidance on the new law, to failing to detect when states failed to mail ballots weeks late, disenfranchised soldiers can thank Eric Holder for late or uncounted ballots. Whatever actions DOJ took in 2010 to protect military voters only came after Senator Cornyn and the media were breathing down Holder's neck. And even those efforts came late in the game.

My sources tell me that the responsible officials inside DOJ think the criticism from the public and from Congress is unfair. In other words, they believe their own spin. The bureaucrats actually believe that because they were making phone calls, instead of litigating in court, they were "aggressively enforcing" the law. They think waiting until October 22 to file a lawsuit in Illinois — even though the media, including PJM, broke the story on October 7 that ballots weren't mailing — constitutes aggressive enforcement. They were working hard, talking on the phone, and debating internally, they claim.

Worst of all, bureaucrats inside DOJ expressly crafted DOJ litigation decisions with open contempt for congressional mandates. Congress declared that ballots must go out 45 days *before* the election. I have learned through multiple sources with direct knowledge that DOJ bureaucrats responsible for military voting explicitly argued

repeatedly that the law could be satisfied by giving overseas ballots a *total* of 45 days, even if they were mailed weeks after the deadline. In other words, they had the power to disregard the explicit command of Congress, so they did. This is the smoking gun that Congress can reveal in hearings next year.

Why would they treat the law with such contempt?

Firstly, they disagree with the law. If Congress were to put particular DOJ managers under oath, they would find they have been wedded to a "30 days is enough time" fable forever. They didn't like being rebuked by the MOVE Act's expansion to 45 days.

Secondly, these same DOJ officials are terrified of litigation. Instead of aggressively defending the soldier's right to vote, they aggressively defend their safe, quiet, unnoticed nook where they never have to risk losing an argument in court. They are more afraid of losing an argument than of a soldier in Afghanistan losing their right to vote.

Thirdly, they believe in 80 percent solutions for voters who give 100 percent, and sometimes more. Congress may hear from former DOJ employees who tell me they would testify that the DOJ bureaucrat in charge of military voting spoke repeatedly of half-solutions. The bureaucrat explicitly believed that some military voters could be disenfranchised, but as long as "most" had a "reasonable" chance to participate, DOJ washed their hands of it.

These bureaucrats can stick fingers in their ears and hum all they want, but here are the inescapable facts: Congress is going to get to the bottom of the mess of 2010. Cold hard data are going to be available about whether or not soldiers were disenfranchised by the inaction of DOJ. The story of the military voting mess did not end with the November 2 election.

Incoming subcommittee chairs like Representative Joe Wilson of South Carolina are the right people to get to the bottom of it all. Nobody cares more about men and women in uniform than Joe Wilson. This seasoned lawyer knows how to detect and cut through administration spin — he is a "lie" detector second to none. But most of all, as an Army vet, he knows what it means to serve, and his son Alan is also a lawyer and Iraq combat vet. Wilson is the right person to ensure the military voting mess of 2010 does not repeat in 2012.

Of course, Senator John Cornyn has also experienced DOJ spin all year long. He has seen his requests rebuffed, over and over, for basic information from DOJ such as which states were in compliance with the MOVE Act and which were not. The reason DOJ never told him *is that they didn't know themselves*. Cornyn has blocked the deputy attorney general nominee, and his hold should stay in place contingent on DOJ cooperation with congressional oversight.

Naturally, members of the House Judiciary Committee will be well-armed for Justice oversight hearings, and have experienced firsthand Eric Holder's stonewalling.

The Election Assistance Commission will be gathering data on how many ballots were mailed and what the successful return rates were. Private groups such as the Military Voter Protection Project, run by former DOJ lawyer Eric Eversole, are going to data mine the effectiveness of DOJ enforcement activity by examining actual ballot return patterns.

Simply, DOJ will endure congressional and private sector scrutiny on their effectiveness like they never have before. No amount of slick spin will be able to gloss over the raw numbers. Empty rhetoric is not as trendy as it was in 2008.

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[2] over: <http://pajamasmedia.com../../../blog/more-disgrace-the-obama-holder-justice-department-is-failing-our-military-voters/>

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AdvertisingAge®

Defense Department Gears up for Super Bowl Ad Only Military Abroad Will See

Mullen Tackles Unique Assignment to Remind Personnel That They Can Still Vote

By Brian Steinberg

Published: February 03, 2011

NEW YORK (AdAge.com) -- Some of the most inspiring ad work associated with the Super Bowl will only be seen on foreign shores.

To make sure U.S. servicemen and women are aware of their right to vote in elections, the Department of Defense's Federal Voting Assistance Program is gearing up for a Super Bowl effort of its own -- except its public service announcement won't show up alongside ads from Pepsi, Coca-Cola or Budweiser.

Indeed, the promotion, crafted by Interpublic Group of Cos.' Mullen, is aimed at a potential viewing audience that could reach as many as one million viewers via American Forces Network, a TV network that broadcasts popular U.S. TV selections to military personnel stationed abroad and at sea.

When military personnel get up in late at night or early in the morning to see a live broadcast of the Super Bowl, they don't actually see the funny and eye-popping ads that accompany the broadcast on home shores. Instead they see a coterie of public-service announcements and other pieces about recruitment, family services and the like.

They can have high quality, but there aren't quite as many spots as non-military consumers will see stateside. "Some of them are really, really good," said Bob Carey, director of the Federal Voting Assistance Program, "and some of them you're on the eighth or ninth time seeing them."

Mullen set out to create a public service spot that could stand alongside traditional commercials, even Super Bowl ads, said Dave Weist, a group creative director at the Boston agency. "They just asked us to think outside the box and really push what people sort of considered the level of creative for a PSA," he said.

Viewers who see the spot will be taken into the inner mechanics of what might seem to be a gun of some sort in the midst of being assembled while a narrator chants the famous "Rifleman's Creed." The mantra starts: "This is my weapon. There are many like it, but this one is mine." As Tim Vaccarino, another Mullen group creative director, put it, "You think you're inside a firearm."

But as viewers quickly discover, the weapon being put together is actually a pen, which can be used to cast a vote. "Your vote is your greatest weapon," viewers are told.

While American Forces Network viewers won't get to see celebrities drinking soda, movie trailers or the latest gadgets -- all part of the typical Super Bowl experience -- Mr. Carey said he hoped they might appreciate "that experience of having a great ad made for them, targeted at them and making them part of the Super Bowl."

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SECRETARY OF STATE
STATE OF INDIANA



TODD ROKITA
SECRETARY OF STATE

November 30, 2010

The Honorable Daniel E. Lungren
United States House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Representative Lungren:

Thank you for your recent letter regarding Indiana's efforts to protect the integrity of our elections. I appreciate your interest and efforts to ensure fair and accurate elections.

During my eight years in office, Indiana has witnessed dramatic changes in the way that elections are administered. Many of the changes can be attributed to the federal Help America Vote Act of 2002 (HAVA). However in Indiana, we have acted to improve the accuracy and integrity of the election process by taking initiatives exceeding the basic requirements of federal law.

Photo ID

The single most effective initiative has been the enactment, implementation, and defense of Indiana's photo ID law. According to several polls, over ¾ of Hoosiers support this law as a common sense measure to help thwart voter fraud. The simple requirement that voters show an ID before voting has withstood constitutional challenges before both the Supreme Court of the United States and Indiana's Supreme Court. Indiana has successfully conducted 8 statewide elections and numerous special and local referendum elections since the passage of the photo ID law. Throughout all of those elections, the parties challenging the voter identification statute have been unable to produce a single voter who was unable to cast a ballot as a result of the photo ID law.

Specifically, Indiana requires a voter who votes in-person to provide an Indiana state-issued driver's license or identification card. IDs issued by the federal government, such as a U.S. Passport or military ID card, and some college ID cards, are acceptable. The ID must have the voter's photo, name, and an expiration date. The law provides exceptions for the indigent, those with religious objections to having their picture taken, and for voters who live in a state-licensed care facility that also serves as their polling place.

Indiana's primary ID issuing agency, the Bureau of Motor Vehicles, is open on election days to assist voters in obtaining photo IDs.

Absentee Voting

In 2005, the same legislative session in which Indiana's Photo ID law was passed, the Indiana General Assembly enacted a comprehensive absentee ballot reform package. These requirements make it more difficult to commit absentee vote fraud and make the consequences of such behavior more severe. These changes include:

- Providing voters with Absentee Voter's Bill of Rights: Counties must provide all absentee voters with a statement describing: 1) the rights and responsibilities of the absentee voter; 2) laws governing what assistance that may be given to an absentee voter, completion of ballots in secret and return of a voted ballot; 3) how to report violations of election law, including the absentee ballot laws.
- Enabling prosecution for absentee vote fraud: All absentee ballot applications must be sworn under the penalties of perjury. Further, in the absentee ballot application, the voter must indicate the specific reason the voter qualifies to vote absentee by mail.
- Protecting absentee ballot security: Absentee ballot applications must be signed by the voter (except the disabled). Anyone assisting an absentee voter must provide certain information, sworn under the penalty of perjury. Persons assisting absentee ballot voters must be fully identified on the application.
- Restrictions have been placed on the "pre-completion" of absentee ballot applications by persons other than the voter.
- Only the absentee ballot voter, a family member, a postal employee, a bonded courier or an individual properly appointed as the voter's attorney in fact, may take possession of, or mail or deliver a voted absentee ballot.
- Provision of a criminal penalty for electioneering in the presence of a voter known to be in possession of their absentee ballot.
- Challenged absentee ballots become provisional ballots -- whose validity is determined by the County Election Board.

As Indiana's Chief Election Officer, my office has vigorously investigated absentee ballot fraud and provided law enforcement agencies with evidence that has led to high-profile convictions, fines, jail time, and in one case, a special election.

Voter Registration

One HAVA requirement that has helped our efforts to reduce the potential for voter fraud is the creation of a Statewide Voter Registration System (SVRS). Since the on-time implementation of the SVRS in 2006, Indiana's state and local election administrators have had a tool to ensure that the potential for duplicate registrations across county lines is reduced and that records of deceased voters are accurately canceled. In the past, counties may have been provided this information, but the lack of a statewide system made it difficult to monitor whether the county did its job. With the SVRS, reports can

be prepared which enable the bipartisan Indiana Election Division to identify counties needing to improve their voter list maintenance efforts. In 2006, pursuant to the National Voter Registration Act (NVRA), the Indiana Election Division sent out a long overdue voter registration verification mailing. As a result of the mailing, several hundred thousand registration records (amounting to more than 20% of all records in Indiana) were determined to be inaccurate and were marked "inactive." Following the second federal election after this mailing, in November 2008, many of the inaccurate registrations were canceled and removed from the list.

In 2008, the ACORN organization submitted thousands of fraudulent and suspect voter registration applications to county voter registration boards just prior to Indiana's May Presidential Primary. My office conducted an investigation documenting ACORN's systematic voter registration fraud perpetrated on the citizens of Indiana. Unfortunately, Federal prosecutors have failed to act on the evidence and the requests that charges be filed against the ACORN organization and its employees who perpetrated this fraud.

In July 2010, Indiana became the eighth state in the Nation to offer convenient on-line voter registration. In just a few months time, over 30,000 Hoosiers have taken advantage of our on-line voter registration process. We believe on-line voter registration will ultimately reduce errors in the SVRS, improve efficiency in county offices, and save taxpayers money.

Election Preparedness

During the past several election cycles, it became the policy of my office to assure that the importance of election preparedness was effectively communicated to each and every local election official. My intention was to ensure that counties would leave nothing to chance and that the votes of every eligible citizen would be reliably cast and counted. These communications included recommendations to:

- Ensure the availability of enough ballots for higher than expected turnout.
- Identify backup polling places in the event of a natural or man-made disaster.
- Contact utilities companies and local transportation officials to make sure they are aware of the election and polling locations so as to not turn off power or block access to the polling places.
- Have emergency ballots ready for use in the event of voting system failure or power outage.
- Know and follow procedures set forth in the Indiana Election Code and Election Day Handbook.
- Ensure the availability of reliable two-way communications between election officials and every polling location.
- Verify that all voting systems are properly tested and prepared for the coming election, and;
- Ensure that sufficient numbers of properly trained poll workers are ready to fully staff each polling location.

Poll Workers

The office's HAVA staff provided train-the-trainer sessions and on-line poll worker training materials to assist local election officials with the training of their Election Day poll workers. These sessions were held in various locations in the state before each Primary and General Election. The HAVA office also published and distributed uniform *Election Day Handbooks* designed to assist poll workers in the proper performance of their Election Day duties. Prior to 2010, the HAVA office produced and distributed video tape poll worker training materials. For the 2010 election cycle, the HAVA office produced and implemented a convenient on-line Poll Worker Training module.

MOVE Act

Upon passage of the Military and Overseas Voters Empowerment Act (MOVE), the office immediately began efforts to update state election laws and administrative procedures to conform to the deadlines and requirements of the Act. Indiana changed its ballot ready date to 45 days before Election Day, improved the public website connected to SVRS to provide absentee ballot information for *all* voters, improved the process required to send and receive ballots by e-mail, and worked with the FVAP as one of 19 pilot states to provide an electronic version of the Federal Write-In Absentee Ballot (FWAB). The Indiana Election Division sent information to county election administrators in all 92 counties in regard to MOVE deadlines and procedures. The Division also provided all 92 counties with state e-mail accounts to send and receive sensitive election materials including blank and voted ballot images.

As the result of the effort, coordinated by my office, all but three counties met the MOVE Act's 45 day deadline and only one county was seriously delinquent in compliance. State officials are currently investigating the performance of that county and will work with all counties to ensure that such an event does not occur again.

Election Day Assistance

For every election since 2006, the HAVA Office has operated a toll-free hotline for voters to call with questions or concerns on Election Day. The Hoosier Voter Hotline received over 300 calls on November 2, 2010, most with questions about a voter's polling place location or registration status. There were several voters with additional questions or concerns about activities at polling places.

Contrary to most elections, there was not one report of a polling place that did not open on time. However, poll workers were not immune from calls questioning their procedures or demeanor. The most common complaint to come in through the hotline was in regard to perceived electioneering. Electioneering occurs when a candidate or their supporters campaign within the "chute" (an unmarked 50 ft long area that starts at the entrance of the polling place that is to be free of campaigning), or discuss the election within the polling place. A close second in voter concerns was in regard to polling place procedures or specific poll workers. These concerns included: 1) optical scan readers not

operational early in the day, causing voters to place ballots in a secured ballot box, but unable to correct a ballot in the case of an over-vote or under-vote as directed by HAVA; 2) poorly set-up polling places that created confusion and invited fraud; 3) rudeness and ignorance of voter's rights, and 4) electioneering, among other things. In each instance, the county election administrator was contacted and asked to resolve the issue.

The Hoosier Voter Hotline has proven to be an effective tool in Election Day monitoring and assistance to voters. In previous elections, calls have been used to improve poll worker training and other state procedures. The busiest day occurred on the 2008 General Election Day when over 2,200 Hoosiers called the hotline for assistance or to report issues.

Election Day Poll Monitoring

Public confidence in the integrity of elections is an essential component of our Constitutional democracy. Prior to some elections, my office received numerous calls and letters expressing concern that in some counties, communities or precincts, local election officials and poll workers were not strictly following state and federal election laws. In order to address these concerns, I took the step of organizing teams of attorneys and experienced investigators and providing them with special deputy authorization to enter polls on election day and monitor compliance with election laws. During elections in 2007, 2008 and 2009, special deputies (nonpartisan) conducted hundreds of random visits to poll places and followed up on reports received by my office's HAVA office. Though the special deputies generally observed compliance with election laws, violations were documented and quickly reported to the proper authorities. As a result of the special deputy poll monitoring program, the public had better assurance that election laws were being followed, and it's my belief that the possibility of random inspections served to enhance compliance and deter potential election law violators.

These measures are but some of the many put in place over the past eight years to ensure that Hoosiers have fair and accurate elections. Representative Lungren, your interest in Indiana's elections is well appreciated. I am most willing to assist the Committee on House Administration with its work to protect the integrity of America's election system. I look forward to serving with you.

Sincerely,



Todd Rokita
Indiana Secretary of State

SECRETARY OF STATE
STATE OF INDIANA
INDIANAPOLIS, IN 46204

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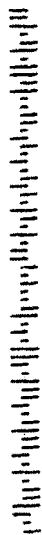


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The Honorable Daniel E. Lungren
United States House of Representatives
1309 Longworth House Office Building
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DELBERT ROSEMAN
Secretary of State

December 15, 2010

The Honorable Daniel E. Lungren
 Congress of the United States
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

Dear Congressman Lungren:

Thank you for your interest in Mississippi's recent election experience. With the 2009 amendments to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), this year was filled with challenges for state and local election officials.

As you may know, Mississippi was one of the first states to provide for electronic mail transmission of voter registration and absentee balloting materials to certain categories of overseas military voters. In the 2010 session, the Mississippi Legislature passed legislation to further improve voting access of military and overseas voters and bring the state's laws in line with the federal MOVE Act. Below is a summary of the key elements of this legislation.

Mississippi Senate Bill 2642, signed by the Governor, acts to:

- amend Miss. Code Ann. § 23-15-673 to clarify that the spouse and dependants of an absent voter (as defined in the Mississippi Armed Forces Absentee Voter Law) may register to vote as provided under such law,
- amend Miss. Code Ann. § 23-15-677 to provide that absent voters who register to vote utilizing a Federal Postcard Application or a Federal Write-In-Absentee Ballot may vote in an election if they were registered to vote ten (10) or more days prior to the date of the election; (note that the term "election" is defined by Miss. Code Ann. § 23-15-673 to include special and runoff special elections, preferential and general elections, first and second primary elections or general elections without preferential elections, whichever system is applicable);
- amend Miss. Code Ann. § 23-15-687 to provide that an application for an absentee ballot under the Mississippi Armed Forces Absentee Voting Law shall serve as a request by the applicant through the date of the next federal general election rather than the next two

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 Post Office Box 136
 Jackson, Mississippi 39205

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www.sos.ms.gov

December 15, 2010

Page 2

federal general elections; to provide that any runoff election for a federal election shall be considered a continuation of such federal election;

- amend Miss. Code Ann. § 23-15-692 to provide that upon receipt of a Federal Write-In-Absentee Ballot executed by a person who is a registered voter or whose information on the form is sufficient to register or update the registration of that person, the Federal Write-In-Absentee Ballot shall be considered as an absentee ballot request and voter registration request,
- amend Miss. Code Ann. § 23-15-693 to require absent voters voting pursuant to the Mississippi Armed Forces Absentee Voting Law to complete the declaration specified by the Federal Uniformed and Overseas Citizens Absentee Voting Act (this section removes the ballot notarization and witness requirement previously required by State law);
- amend Miss. Code Ann. § 23-15-699 to provide that absent voters who have requested to receive absentee ballots and balloting materials pursuant to the Mississippi Armed Forces Absentee Voting Law may choose to receive such ballots and balloting materials by mail, facsimile device (fax) or electronic mail delivery (email) and to provide that if the absent voter does not indicate a preference, delivery shall be by mail; the Secretary of State shall establish procedures that allow an absent voter to make the choice of how the voter wishes to receive balloting materials; this Section is also amended to authorize registrars to receive voted absentee ballots, completed federal postcard applications, and completed Federal Write-In-Absentee Ballots by electronic mail delivery and to provide procedures for the handling of such ballots; Circuit Clerks (county registrars) shall furnish a suitable electronic mail delivery address that can be used to allow absent voters to comply with these provisions;
- amend Miss. Code Ann. § 23-15-701 to authorize the Secretary of State to adopt such rules which are necessary and essential to implement the Armed Forces Absentee Voting Law and to bring the state into compliance with the Federal Uniformed and Overseas Citizens Absentee Voting Act,
- amend Sections 23-15-125, 23-15-635, 23-15-681 and 23-15-691 in conformity thereto, and
- repeal Section 23-15-695, which specifies those persons authorized to administer and attest oaths for absentee ballots under the Armed Services Absentee Voting Law.

With regard to the MOVE Act's forty-five (45) day transmittal rule, current Mississippi law requires absentee ballots to be prepared and available no later than forty-five (45) days before an election. This deadline allows county circuit clerks to transmit ballots not later than forty-five (45) days before the election to those individuals who have submitted requests on or before that date. Unfortunately, twenty-two (22) of Mississippi's eighty-two (82) counties did experience brief delays in transmitting ballots to UOCAVA voters by the September 18, 2010 deadline. Most of the delays appear to be related to the availability of printed scannable ballots

December 15, 2010

Page 3

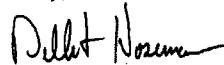
before September 18. (Printing of scannable absentee ballots is handled locally by each county.) In response to the transmittal delays, the Secretary of State exercised its authority to issue an administrative rule extending the deadline to receive UOCAVA absentee ballots in those twenty-two (22) counties. The deadline to receive and process UOCAVA ballots was extended until 7:00 p.m. on November 8, 2010 in order to ensure that all military and overseas voters had the opportunity to cast their ballots and fairly participate in the election. Overall, we believe additional training of county election officials will prevent most of the delays experienced by the counties during this implementation year.

As I mentioned earlier, Mississippi was one of the first states to provide for the electronic mail transmission of absentee balloting materials to military voters. To enhance this balloting option, the Secretary of State's office has released an online ballot marking tool which facilitates the absentee voting process for military and overseas voters who wish to receive absentee ballots via email. This device functions through the state's voter management system. Upon receipt of a valid absentee ballot application or Federal Postcard Application, the county Circuit Clerk marks the voter as a military or overseas voter authorized to receive a ballot. The ballot marking system then automatically authorizes the voter to receive a ballot, and the voter may access his or her ballot through the web-based system. The voter is able to download, mark and return the ballot via email directly to the Circuit Clerk.

With regard to future election related mandates issued by Congress, we ask that special attention be given to each state's ability to implement those changes. Elections in Mississippi are conducted locally by county election officials. When amendments to the law are issued, we must train and educate a minimum of 492 elections officials in 82 counties - excluding poll managers in 1800 precincts - of these changes. You can appreciate that this is not a simple task and it takes time to ensure the changes are implemented correctly. For future mandates, we ask that you examine the timeline for implementation to ensure "bottom-up" states such as Mississippi are afforded ample time to effectively implement changes.

Again, thank you for your inquiry. Please do not hesitate to ask if I can provide additional information.

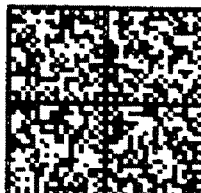
Sincerely,



Delbert Hosemann
Secretary of State

CDH,JR/me

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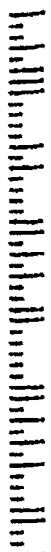
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The Honorable Daniel E. Lungren
Congress of the United States
1309 Longworth House-Office Bldg.
Washington, D.C. 20515-6157



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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

December 22, 2010

The Honorable Daniel E. Lungren
Ranking Republican Member of Congress
Committee on House Administration
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Representative Lungren:

In response to your request, I am pleased to provide information on steps that Florida has taken to address issues related to military and overseas voters, absentee ballots, and voter fraud.

Since 2001, Florida has provided an expedited process for overseas citizens to request and vote an absentee ballot. As a result of the Military and Overseas Voter Empowerment (MOVE) Act, that process has been further streamlined and extended for all voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). All UOCAVA voters can now request an absentee ballot by phone, mail, fax or e-mail. In the early part of 2010, Florida used approximately \$500,000 of federal HAVA dollars to provide uniform compliance of our counties with the ballot tracking of the MOVE Act by allowing voters to confirm their registration status and identify the status of the ballot request and receipt of ballot.

Once the UOCAVA voter's registration is verified, the ballot is sent to the voter via the voter's option of choice, by mail, fax, or e-mail. As you are aware, ballots to UOCAVA voters must be sent at least 45 days prior to an election and our office provides oversight to ensure mailings are completed by this deadline. Once voted, an overseas voter has the option of either mailing or faxing the ballot back to the county Supervisor of Elections. Domestic absent UOCAVA voters must mail their ballots back.

We believe that military and overseas voters have ample opportunity to request, vote, and return their ballots in time to be counted. In addition, since 1984, Florida has been under a consent decree with the Department of Justice to count ballots for federal offices from overseas voters if the ballot is signed and dated no later than election day and received within 10 days following a Presidential Preference Primary or a General Election.

R. A. Gray Building, Room 316 • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6200 • Facsimile: (850) 245-6125
www.dos.state.fl.us

Congressman Daniel E. Lungren
 December 22, 2010
 Page 2

Florida's laws provide for safeguards in absentee balloting to assure the integrity of the process. Ballots are required to be mailed to the voter's mailing address on file with the Supervisor of Elections by nonforwardable, return-if-undeliverable mail, unless the voter specifies in his or her request for an absentee ballot that he or she is:

- absent from the county and does not plan to return before election day;
- temporarily unable to occupy the residence because of hurricane, tornado, flood, fire, other emergency or natural disaster;
- in a hospital, assisted living facility, nursing home, short-term medical or rehabilitation facility, or correctional facility.

In lieu of the ballot being mailed, a voter may personally pick up his or her absentee ballot or designate a person to pick up the ballot for him or her. A designee may not pick up a ballot for a voter prior to 5 days before the election, is limited to picking up no more than two absentee ballots per election (other than the designee's own ballot or ballots for members of the designee's immediate family), must provide written authorization from the voter to pick up the ballot, must provide a photo identification, and must complete an affidavit prior to receiving the ballot.

Once voted, the signature of the voter on the absentee ballot certificate is matched against the signature of the voter on file with the Supervisor of Elections. If the signatures do not match, the absentee ballot is an illegal ballot and not counted. Any voter whose ballot is not counted because the signature did not match is notified after the election and provided an opportunity to update his or her signature for future elections.

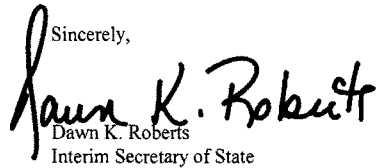
Florida has taken a number of steps in order to combat voter fraud. In order to register, a person must provide a Florida driver's license number, Florida identification card number, the last four digits of his or her social security number or state that they do not have a driver's license, identification card, or social security card. The number provided is verified by the Florida Department of Highway Safety and Motor Vehicles or the Social Security Administration, as applicable. If the number is not verified, the application is considered incomplete and the applicant must provide a copy of his or her license, identification card or social security card in order to be registered.

Prior to voting at an early voting location or the polling place, a voter must provide a photo/signature identification. The poll worker matches the photo to the voter and the signature on the identification to the signature of the voter on the precinct register. Failure to provide proper photo and signature identification results in the voter voting a provisional ballot. In order to be counted, the voter's signature on the provisional ballot envelope must match the signature of the voter on the registration record.

Florida has a number of penalties in law related to fraudulent voting practices, most of which result in the person committing a third degree felony.

Congressman Daniel E. Lungren
December 22, 2010
Page 3

I hope this has provided you the information you requested. Please don't hesitate to contact me or my staff if you have any additional questions.

Sincerely,

Dawn K. Roberts
Interim Secretary of State

DKR



FLORIDA DEPARTMENT OF STATE
Dawn K. Roberts
Interim Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

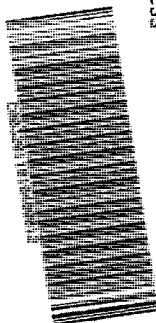
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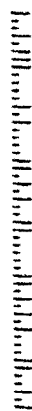


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The Office of the Secretary of State

Brian P. Kemp
SECRETARY OF STATE

January 19, 2011

The Honorable Daniel E. Lungren
Committee on House Administration
1309 Longworth House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Representative Lungren,

I am in receipt of your letter requesting information about the State of Georgia's election policies and procedures. As Georgia's Chief Elections Official, it is my duty and privilege to ensure that elections are secure, accessible, and fair for every Georgia citizen who is eligible to vote. Although I understand that this communication is confidential, I look forward to assisting in any efforts to improve the integrity and public trust in our elections process.

As an initial matter, while we appreciate your interest in the elections process, I am sure you will agree that the administration of time, place, and manner of elections is a subject that is best left to the States. While I believe we can work together to establish best practices, Congress should refrain from legislating in the administration of elections, unless the States begin to so improperly regulate federal elections that the Union itself may be placed in jeopardy. If elections are otherwise regulated properly by the States, congressional action is neither warranted nor proper. With that in mind, we are happy to share with you the steps our State has taken over the past several years to ensure the accessibility and security of the voting process in this State.

Ballot Accessibility

Georgia voters enjoy perhaps the greatest ballot access in the nation. Our early voting period begins at least 45 days prior to Election Day, and a voter may cast an absentee ballot in-person or by mail with no reason or excuse required for doing so. Most counties even provide their voters additional satellite voting centers and expanded voting hours, including on Saturdays, during the weeks leading up to Election Day.

With respect to voting by our military men and women or any citizen living overseas, two recent legislative initiatives have been enacted which will provide better access to the elections process. The first is a recently enacted statute which establishes a pilot voting project to allow our overseas and military voters to cast their votes electronically and have them received by local election officials in time to be counted. We expect to be able to implement this pilot project during the 2012 election cycle.

The second is a legislative enactment that strengthens Georgia's compliance with the federal Military and Overseas Voters Empowerment Act ("MOVE Act"). The main points of the enacted legislation include: (1) requiring absentee ballots to be sent to overseas voters at least 45 days prior to a general primary or general election; (2) providing for the electronic transmission of absentee ballots to military and overseas voters; and (3) allowing one absentee ballot application to be used to obtain absentee ballots through an entire election cycle. Not only do these efforts further ensure compliance with the MOVE Act, they also provide greater efficiencies and cost savings to the citizens of the State of Georgia.

I am proud to say that during the 2010 General Election we were able to fully comply with the MOVE Act and Georgia law. As referenced above, Georgia's military and overseas voters are now able to access an absentee ballot in electronic format up to 45 days prior to Election Day, and the request for the absentee ballot may be sent electronically via fax or email. To access the electronic ballot, voters log onto a secure website, print and vote their ballot, and then mail it back to their county election office. This new delivery system saves weeks of time previously lost to sending out blank ballots by mail.

In the program's first year, military and overseas voters electronically downloaded 566 absentee ballots and 407 voters returned their ballot. Requests for absentee ballots delivered in electronic format have come from Georgians stationed or living in more than 57 countries in North, Central and South America, the Caribbean, Europe, the Middle East, Africa, Asia and Australia. Importantly, the system which delivers these blank ballots to Georgia's overseas and military voters was developed within the Secretary of State's Office at no additional cost to Georgia's taxpayers.

With respect to making every polling place fully accessible to all eligible voters, this office has required that all county election officials certify that each of their respective polling places is fully accessible and compliant with the Americans with Disabilities Act (ADA). Our office provides specific accessibility information on our website and has designed a web portal where individuals may report accessibility issues or concerns directly to our office.

With respect to creating efficiencies in the area of voter registration, Georgia has a fully automated "Motor Voter" registration process. Previously, the Georgia Department of Driver Services ("DDS") printed all Motor Voter applications. The Secretary of State's office would then sort the paper applications and send them to the appropriate county board of registrars for review and processing, a process which could take a week or longer from application to registration and placement on the voter rolls. Since November 2009, all Motor Voter applications are transmitted electronically from DDS to the Secretary of State's office. Furthermore, the information and application, including the applicant's signature, are now made available daily to the appropriate county board of registrars through the statewide voter registration system. The new process effectively eliminates the requirement for paper applications.

Voting and Registration Security

Voting is one of the most important rights granted to every citizen. I take very seriously my responsibility, as the Chief Election Official for the State of Georgia, to protect the integrity of Georgia's elections and the votes of each and every Georgia citizen. Every fraudulent vote that is cast cancels out a valid one. The State of Georgia has implemented several safeguards to ensure the integrity of the voting system and voting process.

We have implemented and successfully defended numerous initiatives to protect Georgia's elections, including:

- Defending our photo ID requirement numerous times in county, state and federal courts;
- Defending our voter registration verification process in federal courts;
- A multiple signature check requirement on absentee ballots;
- Making absentee ballot fraud a felony; and
- Rigorous enforcement of our laws on the State Election Board.

In regard to preventing voter fraud and ensuring only citizens register to vote, our office obtained preclearance of our voter registration verification process in August 2010. This verification process includes the implementation of matching process required under the Help America Vote Act and requires our office to match a voter registration applicant's citizenship information with that on file with the Department of Drivers Services ("DDS"). Furthermore, the State of Georgia recently filed a lawsuit against the Department of Justice seeking preclearance of a 2009 legislative enactment, codified at O.C.G.A. § 21-2-216(g), that requires new voter registration applicants to provide evidence of their United States citizenship with their voter registration application. This legislation is a step forward to ensuring that only legal United States citizens are on the voter rolls, and I am confident that such a common sense measure will receive preclearance.

In 2009, the Georgia General Assembly also enacted O.C.G.A. § 21-2-231(a.1), requiring the clerk of superior court of every county to provide my office with a monthly list of individuals excused from jury duty for not being a United States citizen. These individuals are subsequently matched against the official list of electors, and if the individual is registered to vote, then that individual is deleted from the official list of electors and sent a notice of such removal. Since this process began, we have identified and removed non-citizens from the voter rolls in Georgia, and our Investigations Division has opened investigations for each violation.

Our office pursued and helped pass legislation requiring local elections officials to perform a triple signature check on each and every absentee ballot. Now, the signature on the absentee ballot application must be checked against the voter registration application; and, the signature on the returned ballot must be checked against both the absentee ballot application and the voter registration application. In order to address the very real threat of voter fraud in Georgia, this office helped to get tougher penalties enacted with respect to absentee ballot fraud. Until only a few years ago, absentee ballot fraud in Georgia was a misdemeanor. Now, anyone who fraudulently receives, marks, or turns in an absentee ballot will have committed a felony in the State of Georgia.

Additionally, Georgia requires electors to present photo identification at the polling place prior to voting. After four years of lawsuits brought by some of Georgia's most prominent plaintiffs' lawyers, including one former Governor, these lawyers could not identify any individuals who would or had been unduly burdened, or even adversely affected, by Georgia's photo identification requirement. Looking at the 2008 General Election, 75 percent of active registered voters turned out to cast approximately 3.9 million ballots, which amounted to approximately 700,000 more ballots cast than in the 2004 General Election. By the registration deadline, Georgia received about 70,000 more new voter registration applications as compared to 2004. Despite many of the arguments against Georgia's photo identification laws, minority and older voters saw the largest increases in turnout in the State's history. The turnout of Hispanic/Latino voters increased by 140 percent from 2004; black voter turnout increased by 42 percent. Both of these increases virtually doubled the percentage increase in the State's population for these minority groups during a similar timeframe.

Just this year, our office provided approximately 6,000 bar code scanners to county elections officials to more efficiently and accurately check-in voters at Georgia's approximately 3,000 polling locations on Election Day. Now, instead of manually looking up a voter's information in a poll book, poll workers simply can scan a voter's driver's license or state identification card bar code to immediately find the voter in the electronic poll book and check him or her in to vote. Not only do these scanners benefit voters by reducing the time it takes to check-in from an average of 10 to 15 seconds to almost instantaneous, it increases the integrity of the voting process by helping to ensure that the correct individual is given credit for voting.

This office has worked with local election officials to revamp, improve, and create training opportunities for poll workers and local election employees. The best method for preventing issues during an election is to ensure that election officials and poll workers are well trained in procedures and processes and in how to effectively deal with issues that may arise on Election Day. To this end, we have instituted an online learning management system ("eLearn") that provides significant training materials, including videos and webinars, on every aspect of the registration and election processes. eLearn is one aspect of the various e-Government solutions my office has implemented recently to more efficiently deliver services while reducing the cost to the taxpayer. The system was developed from open source software by in-house staff at no added cost to the taxpayer, but with significant improvement in delivery of information to local election officials.

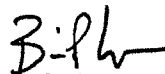
In order to ensure the integrity of the statewide voting system used in Georgia, this office continues our relationship with Kennesaw State University and its Center for Election Systems (the "Center"). The Center conducts comprehensive certification test protocols and acceptance testing procedures on all voting equipment in use throughout the State. Additionally, the Center either constructs or reviews all ballots for completeness and correctness prior to every election. The Center provides around-the-clock technical support and response to election officials when preparing, conducting, and certifying an election. The Center continually researches security, deployment, storage strategies, and usability of voting technologies. This relationship ensures that Georgia's citizens have faith and confidence in the voting systems used in Georgia elections.

Finally, our office also conducts four levels of equipment testing and contracts with renowned experts at Kennesaw State University to ensure our machines are the most secure in the nation. The Center develops Logic and Accuracy testing scripts in support of county testing of voting equipment, which testing must be done before every election, and implements security procedures that ensure only valid, certified election management software is installed on election equipment.

Thank you for the opportunity to share this information with you, and I hope it has been helpful. ~~I will be in Washington, D.C. from February 10th through February 14th for the National Association of Secretaries of State Winter Conference, and I am certainly willing to meet with you or the appropriate member of your staff to discuss any questions you may have regarding Georgia's election laws and procedures.~~

Please let me know if I can ever be of assistance.

Sincerely,



Brian P. Kemp
Georgia Secretary of State

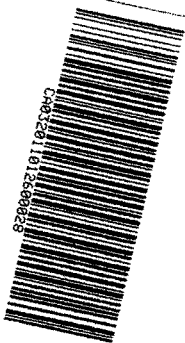


Secretary of State
214 State Capitol
Atlanta, Georgia 30334

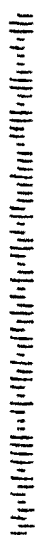
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The Honorable Daniel E. Lungren
Committee on House Administration
1309 Longworth House Office Building
United States House of Representatives
Washington, D.C. 20515



LUNGREN 20515



The CHAIRMAN. I would like to introduce our first witness for the first panel, Mr. Thomas Perez.

Since October 2009 Mr. Perez has been the assistant attorney general of the Civil Rights Division of the Department of Justice. Before taking that position, Mr. Perez was the secretary of the Department of Labor, Licensing and Regulation for the State of Maryland, a professor at the George Washington School of Public Health, a Montgomery County Council member, a professor of law at the University of Maryland School of Law, a health care consultant, director of the Office of Civil Rights at the Department of Health and Human Services, deputy assistant attorney general for Civil Rights Division of DOJ and special counsel to Senator Ted Kennedy.

We are honored to have you here, Assistant Attorney General Perez. We thank you for your dedication to public service.

The committee has received your voluminous written testimony, which is not only testimony but the report you are required to give, so we will take that as the reason that it was 167 pages. I must say that is the longest submission I have ever seen, and we actually went through it.

We will recognize you for 5 minutes to present a summary of that submission. To help you keep that time, we have a timing device near the witness table. If it is working, the device will emit a green light for 4 minutes and then will turn yellow when 1 minute remains. When the light turns red, it means your time is expired. But we will give you a little bit of time since you gave us so much of your written paper work.

We thank you again for joining us today and you may proceed.

STATEMENT OF THE HONORABLE THOMAS E. PEREZ, ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS, U.S. DEPARTMENT OF JUSTICE

Mr. PEREZ. Thank you, Mr. Chairman.

It is an honor to be here, Mr. Chairman, Ranking Member Brady and other members of the committee and other members of the Armed Services Subcommittee.

Thank you for the opportunity to testify today about the Justice Department's efforts to enforce the MOVE Act, and thank you for your leadership in securing the passage of the MOVE Act.

The MOVE Act's enactment in 2009 was the most important advancement in the area of military and overseas voter law in over 20 years, and we welcome the new protections it provided. Ensuring that our military service-members and their families, as well as American civilians living overseas, can have their voices heard in the electoral process is a responsibility that the Justice Department takes very seriously. And the Department has made the fair, aggressive and independent enforcement of UOCAVA and the MOVE Act a top priority.

The Department strongly supported the new protections included in the MOVE Act, and the President proudly signed it into law in October of 2009. After its passage, the Department geared up to ensure the MOVE Act would be implemented successfully across the Nation.

Leading up to the 2010 general election, the division's Voting Section devoted more than 20 staff members to this nationwide enforcement program. Just a few months after the law was passed, we contacted every State and territory in writing to explain the new requirements and sought information on compliance.

We worked closely with our colleagues at the Department of Defense Federal Voting Assistance Program and the General Counsel's Office at the Department of Defense, analyzing the changes and making sure that we were together in our enforcement of the law.

After our letters went out in April of 2010, we provided substantial technical assistance to States. Our goal was to answer questions; anticipate and prevent problems; and provide guidance that enabled States to implement effective programs.

In addition to our State outreach, we reached out from time to time to local election officials to obtain information and fill information gaps.

A number of States passed laws to ensure that their voting practices conformed to the MOVE Act. Three such States, Indiana, West Virginia and Florida, are represented here today.

We also consulted with DOD as they fulfilled their statutory role to grant or deny waiver requests under the MOVE Act. Twelve States and territories applied for waivers: Five were granted; six were denied; and one State withdrew its waiver application. For States where the waiver applications were denied, on the same day as the denial notification, we notified them as well that I had authorized the filing of lawsuits to ensure compliance. Our attorneys immediately began working with those jurisdictions, and we reached resolutions with all six of them.

Overall, the Department took action to resolve compliance concerns in 14 jurisdictions, including 11 States, 2 territories, and the District of Columbia. Of the 14 jurisdictions, we filed lawsuits in 5, obtaining a court order in one and 4 court-approved consent decrees. In the other jurisdictions, we obtained four out-of-court memorandum agreements and five informal resolutions, which were typically letter agreements memorializing the changes that the States made to come in compliance.

Ensuring that every military and overseas voter who wanted to cast a ballot had the opportunity to do so was our goal and continues to be our goal. So we took enforcement actions in States where violations affected many thousands of voters, as well as in States where they affected a few dozen. Our consent decrees in New York and Wisconsin, for example, afforded a remedy for thousands of UOCAVA voters, while the remedy in our lawsuit against Guam affected about 100 voters and Nevada involved one county and 35 voters.

Our quick negotiations with officials in the six jurisdictions where waiver applications were denied resulted in a consent decree with Wisconsin and out-of-court agreements with the remaining five jurisdictions.

The division also filed a lawsuit against New York, which had received a waiver but failed to comply with the terms of the waiver. We negotiated a consent decree with New York that mandated cor-

rective measures, including an extension of the ballot receipt deadline until November 24th.

The Department also initiated enforcement actions for failure to comply with the 45-day requirement in States that had not sought waivers, including filing lawsuits and reaching consent decrees with Illinois and New Mexico; filing a lawsuit and winning a court-ordered injunction in Guam; and obtaining informal agreements in Kansas, Mississippi, Nevada and North Dakota.

The Voting Section's nationwide effort to enforce the MOVE Act in the 2010 cycle was an unprecedented effort, unmatched in any other Federal general election cycle with respect to any other voting statute.

Since its passage in 1986, a total of approximately 40 UOCAVA lawsuits have been filed. Five of them were filed in the 2010 cycle. Our efforts benefitted tens of thousands of voters in the 14 States and territories where we took action, as well as other States across the country where we worked with officials to ensure compliance without enforcement actions.

Since the election, we have continued our monitoring efforts, not only in the 14 jurisdictions with which we had formal or informal agreements, but across the country. Just last week I met with State election directors, attended the conference of the National Association of Secretaries of State, and spoke at the Overseas Vote Foundation conference.

I read the report that you noted, Mr. Chairman, with great interest. We are working with the Election Assistance Commission to review the data as it comes in, and we are receiving data required by the agreements in our cases. We will also continue to consult with the Department of Defense.

Our goal in all of the post-election outreach and data review is to learn from our experiences and to hear from a diverse array of stakeholders as to what went well, where there is room for improvement and what suggestions they may have for improvement, either in the law itself or the procedures that are in place.

Some States may need to make structural changes requiring legislative action, such as moving the primary date, as some States have done. And others may also have to take additional actions.

I am very proud of the work of the dedicated career professionals in the Voting Section. Their hard work assisted tens of thousands of voters.

I am equally appreciative of the efforts of our colleagues in State governments, as well as local election officials, who worked tirelessly to ensure that service-members serving our Nation and others living overseas would have meaningful access to the ballot.

But I am by no means here to declare victory. We continue to gather additional information and review the data to determine where we have made progress and where there is room for improvement. We continue to reach out to key stakeholders to see what they saw from the field.

There is reason to be optimistic about the progress we made, but it is still too early to tell with precision how well we did or where there are gaps and why those gaps existed.

One military or overseas voter disenfranchised is one too many. Our goal is and will continue to be 100 percent compliance.

The MOVE Act was an overwhelmingly bipartisan enterprise, and I look forward to continuing to work with both committees represented today on a bipartisan basis to ensure its full and effective enforcement.

Thank you, Mr. Chairman, and thank you, ranking member, for your time.

[The statement of Mr. Perez follows:]

**United States Department of Justice
Uniformed and Overseas Citizens Absentee Voting Act
Annual Report to Congress
2010**

I. Summary

On October 28, 2009, the President signed into law the Military and Overseas Voter Empowerment (MOVE) Act, Pub. L. No. 111-84, 123 Stat. 2190 (2009), which amended the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Protecting the rights of military and overseas voters to cast their ballots and have their votes counted is one of the highest priorities of the Department of Justice (Department), and the Department strongly supports the goals of this landmark legislation. Since the MOVE Act took effect, the Department has devoted significant resources to monitoring compliance with the law and to pursuing enforcement actions where necessary.

For the November 2, 2010 Federal general election, the Department actively monitored all covered states, territories, and the District of Columbia to ensure compliance with the MOVE Act. In April 2010, the Department sent letters to all covered jurisdictions reminding them of the MOVE Act's requirements and requesting information about their plans for complying with the law. And as described below, the Department obtained court orders, court-approved consent decrees, or out-of-court letter or memorandum agreements in fourteen jurisdictions (eleven states, two territories, and the District of Columbia). Each of these resolutions ensured that military and overseas voters would have at least a 45-day period to receive, mark, and return their ballots, or ensured they would be provided expedited mailing or other procedures to provide sufficient opportunity for ballots to be returned by the jurisdiction's ballot receipt deadline. After taking action against each of these fourteen jurisdictions, the Department actively continued to monitor compliance with the court orders and agreements it obtained.

The referenced enforcement actions included the Department's swift negotiation of resolutions to remedy or avoid MOVE Act violations in the six jurisdictions in which requests for a waiver of the 45-day advance mailing requirement were denied by the Department of Defense (DoD). The Department also filed a lawsuit against one jurisdiction after election officials failed to send thousands of ballots by the deadline approved as a condition of receiving an undue-hardship waiver. In addition, as noted above, the Department monitored whether the remaining states and territories – that is, those that did not seek a waiver – timely transmitted ballots to military and overseas voters. When formal action was necessary to protect UOCAVA voters, the Department filed lawsuits or obtained out-of-court agreements to allow military and overseas voters sufficient opportunity to receive and return their ballots in time to be counted.

As a result of the Department's actions, thousands of military and overseas voters had a reasonable opportunity to cast their ballots this year despite the failure of some election officials to timely send their ballots. In the coming year, the Department will assess the specific causes of ballot mailing delays for the 2010 Federal general election, and will evaluate the need for changes in state laws or procedures to ensure compliance with UOCAVA for future Federal elections.

II. Background

UOCAVA, enacted in 1986, requires that states and territories allow active duty members of the United States uniformed services and merchant marine, their spouses and dependents, and American citizens residing outside the United States to register and vote absentee in elections for Federal offices. UOCAVA was strengthened significantly in 2009 when Congress passed the MOVE Act to expand the protections for individuals eligible to vote under its terms. Most of the new requirements of the MOVE Act went into effect for the November 2, 2010, Federal general election.

The Secretary of Defense is the Presidential designee with primary responsibility for implementing the Federal functions mandated by UOCAVA, and the Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out the provisions of the statute. 42 U.S.C. § 1973ff(a); 42 U.S.C. § 1973ff-4(a). The Attorney General has assigned responsibility for prosecuting violations of UOCAVA to the Civil Rights Division, and the Division's Voting Section handles these enforcement actions. Since UOCAVA was enacted in 1986, the Voting Section has initiated and resolved numerous cases to enforce UOCAVA.

Under the MOVE Act amendments, UOCAVA requires that the Attorney General submit an annual report to Congress by December 31 of each year on any civil action brought under the Attorney General's enforcement authority under UOCAVA during the preceding year. 42 U.S.C. § 1973ff-4(b). The Department filed its first report under this provision in 2009.

III. Enforcement Actions by the Attorney General in 2010

As noted above, in 2010, the Attorney General initiated litigation or out-of-court agreements to enforce the MOVE Act amendments to UOCAVA in 11 states, 2 territories, and the District of Columbia. In circumstances where the remedy for UOCAVA violations could not be achieved without court action, the Department filed litigation to obtain court-ordered relief. Where states possessed the authority to take the necessary steps to achieve compliance or adequate remedial measures, the Department negotiated resolution of the disputes without the need for litigation. With respect to all the court orders and agreements, the Department is engaged in ongoing monitoring and evaluation of the effectiveness of the remedies adopted and in the coming year will be assessing the need for changes in the jurisdictions' state laws or administrative procedures to ensure compliance with UOCAVA for future Federal elections. Copies of the complaints, agreements, and orders referenced herein are attached to this report.

A. Enforcement Actions Following Denial of Undue-Hardship Waivers

One of the significant UOCAVA mandates added by the MOVE Act requires states to transmit validly-requested absentee ballots to UOCAVA voters no later than 45 days before a Federal election when the request has been received by that date, except where the state has been granted an undue-hardship waiver for that election pursuant to the Act. States can be exempted from the requirement to transmit ballots 45 days in advance of a Federal election if they apply for, and are granted, a waiver from the Secretary of Defense. 42 U.S.C. § 1973ff-1(g).

A waiver applies only to the 45-day advance ballot transmission requirement, and only to the election for Federal office for which it is submitted. 42 U.S.C. § 1973ff-1(g) & (g)(4). Under the Act, the only issues that create an undue hardship for the state are where 1) the state's primary election date prohibits it from complying; 2) the state has suffered a delay in generating ballots due to a legal contest; or 3) the state's constitution prohibits compliance by the state. 42 U.S.C. § 1973ff-1(g)(2)(B). States seeking a waiver must submit a comprehensive plan to the Secretary of Defense, and to qualify for a waiver, the plan must ensure UOCAVA voters have sufficient time to receive absentee ballots that they have requested and to submit their marked ballots in time to have those ballots counted in the election for Federal office. 42 U.S.C. § 1973ff-1(g)(2)(A).

The deadline for requesting a waiver of this requirement in 2010 was August 4 (90 days before the election), except where the grounds for the waiver request were caused by a legal contest. The statute required DoD to approve or deny the request, after consulting with the Attorney General, not later than August 29 (65 days before the election). 42 U.S.C. § 1973ff-1(g)(3).

Following enactment of the MOVE Act, the Department consulted regularly with the Federal Voting Assistance Program at DoD (FVAP), the office assigned to review states' undue-hardship requests, concerning the waiver process and standards for determining whether a waiver should be granted. As noted above, in April of this year, the Department sent letters to every state and territory seeking to determine its plans for coming into compliance with the MOVE Act by the November 2010 general election, and reminding them of the Act's 45-day ballot transmission requirement and procedures governing requests for undue-hardship waivers. The Department worked closely with FVAP during consideration of the pending waiver requests, and participated in joint telephone conferences with state officials concerning their applications.

Twelve states applied for waivers for the November 2, 2010 Federal general election. All twelve states sought a waiver based on the date of the primary election; no waiver requests based on legal contests were received this year. One state, Maryland, subsequently withdrew its request for a waiver (representing that it had determined it could meet the 45-day mailing deadline), and the Secretary of Defense thus made no determination on Maryland's waiver application. On August 27, 2010, DoD issued the following determinations on the remaining eleven waiver applications:

- Denied Waivers (six): Alaska, Colorado, the District of Columbia, Hawaii, the U.S. Virgin Islands, and Wisconsin.
- Approved Waivers (five): Delaware, Massachusetts, New York, Rhode Island, and Washington.

On the day DoD issued these waiver determinations, and on the same telephone calls in which DoD advised the six jurisdictions of their waiver denials, the Voting Section advised these states that the Assistant Attorney General for the Civil Rights Division had authorized the filing of litigation, if necessary, to enforce compliance with UOCAVA's 45-day mailing requirement. Immediately thereafter, the Voting Section sent formal notice letters to these six jurisdictions and

began negotiations with officials in the six jurisdictions to achieve appropriate resolutions. As a result of these enforcement efforts, the Department filed a lawsuit against Wisconsin (resolved by a consent decree filed with the complaint), and reached out-of-court agreements with the remaining five jurisdictions to remedy the violations. The successful resolution for each of these jurisdictions is outlined below.

- Alaska: On September 3, 2010, the Department and Alaska reached an agreement in response to the denial of its waiver request. Alaska's primary election was August 24, 2010. DoD's waiver determination letter stated that although the state had shown an undue hardship to transmit ballots 45 days before the November 2, 2010 election, Alaska's proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. The Department's negotiations with Alaska officials resulted in an agreement by the State to expedite elements of its candidate certification procedures for the primary election so that it was able to send out an official absentee ballot to all UOCAVA voters no later than September 18, 2010, the 45th day before the general election, thus ensuring eligible military and overseas voters sufficient time to receive, cast, and return their ballots and to have their votes counted. Alaska also agreed to update the Department on the ballot certification status and provide a report on the ballots mailed to UOCAVA voters.
- Colorado: On September 16, 2010, the Department signed a Memorandum of Agreement with Colorado. Colorado's primary election was August 10, 2010. DoD's waiver determination letter stated both that Colorado had not shown an undue hardship to transmit ballots 45 days before the November 2, 2010 election, and that its proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. Under the Agreement, Colorado was required to take specific steps to ensure that each of its 64 counties sent an official absentee ballot to UOCAVA voters no later than September 18, 2010, the 45th day before the election. The required measures included issuing directives to the counties, monitoring their progress, providing direct assistance to any county that needs it, and if necessary, taking enforcement action to obtain compliance. Under the Agreement, the state committed to taking steps to ensure compliance in future Federal elections and to confer with and provide a report to the Department of Justice on those efforts.
- District of Columbia: On September 17, 2010, the Department signed a Memorandum of Agreement with the District of Columbia. The District's primary election was September 14, 2010. DoD's waiver determination letter found that although the District had shown an undue hardship to transmit ballots 45 days before the November 2, 2010 election, its proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. The Department's negotiations with District officials resulted in an agreement under which they would send absentee ballots to military and overseas voters no later than October 4, 2010, and provide additional time, until November 19, 2010, for receipt of the ballots. The District passed

emergency rules embodying these new deadlines to ensure that eligible military and overseas voters would have at least 45 days to receive, cast, and return their ballots in time for them to be counted. Earlier this year, the Council of the District of Columbia adopted a "Sense of the Council Primary Election Timing Resolution of 2010" acknowledging that the District needed to enact legislation to move its primary election for Federal offices to a date no later than the first Tuesday of the first full week of August, beginning in 2012. Under the Agreement, the District committed to taking all necessary steps to ensure compliance in future Federal elections and to confer with and provide a report to the Department of Justice on those efforts.

- Hawaii: On September 16, 2010, the Department signed a Memorandum of Agreement with Hawaii. Hawaii's primary election was on September 18, 2010, the 45th day before the November 2, 2010 Federal general election. DoD's waiver determination letter stated that although the State had shown an undue hardship to transmit ballots 45 days before the November 2, 2010 election, its proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. To ensure that the State's military and overseas voters would have sufficient time to receive, cast, and return their ballots in time for them to be counted in the November 2, 2010 election, the Agreement required Hawaii to send out ballots by express delivery service no later than September 24, 2010, and to provide voters with the means to return their completed ballots by express delivery free of charge. Earlier this year, Hawaii enacted legislation, effective on January 1, 2011, that moves Hawaii's primary date to the second Saturday in August in every even-numbered year to help ensure compliance with UOCAVA's 45-day advance ballot mailing requirement in future Federal general elections.
- U.S. Virgin Islands: On September 2, 2010, the Department reached an agreement with the U.S. Virgin Islands to address the denial of its waiver request. The Virgin Islands had a scheduled Federal primary election on September 11, 2010, but there was not a contested primary for the Federal office of Delegate to Congress this year. DoD's waiver determination letter stated that the Virgin Islands had not shown an undue hardship to transmit ballots 45 days before the November 2, 2010 election, and that its proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. Under the agreement, the Virgin Islands committed to sending absentee ballots for the Federal office on or before September 18, 2010, the 45th day before the election.
- Wisconsin: On September 10, 2010, the Department filed a lawsuit against Wisconsin. *United States v. State of Wisconsin*, No. 3:10-cv-00518 (W.D. Wis.). The lawsuit was resolved by a Consent Decree that was entered by the Federal district court on September 15, 2010. Wisconsin's primary election was September 14, 2010. DoD's waiver determination letter stated that although Wisconsin had shown an undue hardship to transmit ballots 45 days before the

November 2, 2010 election, its proposed comprehensive plan did not afford sufficient time for UOCAVA voters to receive and submit absentee ballots in time to have them counted. The Consent Decree required Wisconsin officials to take certain steps to ensure that all local election offices in the State sent absentee ballots to military and overseas voters by no later than October 1, 2010, and provided for additional time, until November 19, 2010, for receipt of absentee ballots to ensure that eligible military and overseas voters have sufficient time to cast and return their ballots and to have them counted. The Consent Decree requires that Wisconsin take all necessary actions to ensure compliance in future Federal elections, including proposing legislation and taking administrative actions to remedy the potential UOCAVA violations arising from the primary election schedule. The State must confer with and provide a status report to the Department on those efforts.

B. Enforcement Action for Failure to Comply with Terms of Waiver

- New York: On October 12, 2010, the Department filed a lawsuit against New York. *United States v. State of New York*, No. 1:10-cv-1214 (N.D.N.Y.). The lawsuit was resolved by a Consent Decree, approved by the Federal district court on October 19, 2010. DoD granted New York an undue-hardship waiver based on the State's comprehensive plan, which relied on two key provisions that together created a 45-day period for UOCAVA voters to receive, mark, and return their ballots. Specifically, New York's plan required election officials to send ballots to UOCAVA voters by October 1, 2010, and accept otherwise valid ballots returned by November 15, 2010. However, numerous counties across the state, including those comprising New York City, failed to transmit UOCAVA ballots by the October 1 deadline. The Consent Decree provided additional time, until November 24, 2010, for receipt of UOCAVA ballots, and other procedures to ensure that eligible military and overseas voters would have sufficient time to cast and return their ballots and to have them counted. In addition, the Consent Decree committed New York to explore the need for future relief, including changes of law or administrative regulation, to prevent violations of UOCAVA in the future arising from the State's election schedule or practices. The State must confer with and provide a status report to the Department on those efforts.

C. Additional Civil Actions Filed to Enforce UOCAVA

In addition to resolving the post-waiver denial enforcement actions, the Department also initiated enforcement actions for failure to comply with the 45-day requirement in states that had not sought waivers. FVAP determined that it would monitor compliance in the five states for which waivers had been granted. In advance of the 45-day deadline, the Voting Section contacted each of the remaining states and territories to remind them again of the MOVE Act's ballot transmission deadline, to inquire whether any ballot delays were anticipated, and to request that they confirm to the Voting Section that their localities had timely transmitted their UOCAVA ballots. The Department filed the following enforcement actions for failure to timely transmit ballots in accordance with UOCAVA:

- Guam: On October 6, 2010, the Department filed a lawsuit and motion for emergency injunctive relief against the Territory of Guam. *United States v. Government of Guam*, No. 10-00025 (D. Guam). Guam had failed to send its UOCAVA ballots by the September 18, 2010 deadline, and failed to provide an electronic transmission option for receipt of ballots in accordance with UOCAVA. On October 13, 2010, after a telephonic hearing on the motion, the Federal district court entered an order granting the relief requested by the Department. The order provided additional time, until November 15, 2010, for receipt of UOCAVA ballots, to ensure that eligible military and overseas voters would have sufficient time to cast and return their ballots and to have them counted. In addition, the order required Guam to provide the option of e-mail transmission of ballots, and notice thereof, to UOCAVA voters for the November 2, 2010 election. The order also requires that Guam take all necessary actions to ensure compliance in future Federal elections, including proposing legislation and taking administrative actions to remedy the potential UOCAVA violations arising from Guam's election schedule and practices. Guam must confer with and provide a status report to the Department on those efforts.
- Illinois: On October 22, 2010, the Department filed a lawsuit against Illinois. *United States v. State of Illinois*, No. 10-cv-06800 (N.D. Ill.). The lawsuit was resolved by a Consent Decree that was entered by the Federal district court on October 22, 2010. Election authorities in numerous Illinois jurisdictions had failed to send UOCAVA ballots by the September 18, 2010 deadline, and some jurisdictions failed to transmit ballots by electronic means to UOCAVA voters who had timely requested electronic delivery of their ballots, and instead sent the ballots by postal mail. The Consent Decree provided additional time beyond the State's existing November 16, 2010 deadline – 14 days after Election Day – for receipt of UOCAVA ballots in six counties, and other measures to ensure that eligible military and overseas voters in those counties would have sufficient time to cast and return their ballots and to have them counted. The Consent Decree also extended the date by which ballots from those counties must be postmarked from November 1 to November 2, 2010. In addition, the Consent Decree required that officials send ballots to any UOCAVA voters who asked to receive their ballots electronically by the requested delivery method. Under the Consent Decree, Illinois must take all necessary actions to ensure compliance in future Federal elections, including determining the cause of the late-mailed ballots and taking any administrative or other actions designed to prevent future UOCAVA violations arising from the State's or counties' election practices. The State must confer with and provide a status report to the Department on those efforts.
- New Mexico: On October 12, 2010, the Department filed a lawsuit against New Mexico. *United States v. State of New Mexico*, No. 10-cv-968 (D.N.M.). The lawsuit was resolved by a Consent Decree that was entered by the Federal district court on October 14, 2010. Election officials in several New Mexico counties had failed to send their UOCAVA ballots by the September 18, 2010 deadline. The

Consent Decree provided additional time, until November 6, 2010, for receipt of UOCAVA ballots to ensure that eligible military and overseas voters would have sufficient time to cast and return their ballots and to have them counted. The order also requires that New Mexico take all necessary actions to ensure compliance in future Federal elections, including determining the cause of the late-mailed ballots and taking any administrative or other actions designed to prevent future UOCAVA violations arising from the State's or counties' election practices. The State must confer with and provide a status report to the Department on those efforts.

D. Other Memorandum Agreements and Letter Agreements Obtained

The Department also negotiated memorandum or letter agreements with four other states after the Department's inquiries revealed that some local election officials in those states had failed to send UOCAVA ballots by the September 18, 2010 deadline. In each case, the states possessed the authority to authorize extensions of the ballot receipt deadlines necessary to provide at least 45 days for transmission and return of ballots without the need for a Federal court order.

- Kansas: On October 15, 2010, the Department signed a Memorandum of Agreement with Kansas. Seven counties in Kansas had failed to send UOCAVA ballots by the September 18, 2010 deadline. Under the Agreement, to ensure that those counties provided at least 45 days for the transmission, execution, and return of ballots to all qualified UOCAVA voters who requested absentee ballots on or before September 18, 2010, Kansas extended the ballot receipt deadlines in those counties commensurate with the delay in each of those counties in sending ballots. Under the Agreement, Kansas committed to take all necessary actions to ensure compliance in future Federal elections, including determining the cause of the late-mailed ballots and taking any administrative or other actions designed to prevent future UOCAVA violations arising from the State's or counties' election practices. The State agreed to confer with and provide a status report to the Department on those efforts.
- Mississippi: On October 15, 2010, the Department reached an agreement with Mississippi. Twenty-two counties in Mississippi had failed to send UOCAVA ballots by the September 18, 2010 deadline. To resolve this violation, Mississippi's Secretary of State promulgated a temporary Administrative Rule that extended the deadline, until November 8, 2010, for the receipt of ballots from military and overseas voters in the 22 counties affected, to ensure that they would have at least 45 days to receive, cast, and return their ballots. In addition, Mississippi committed to take all necessary actions to ensure compliance in future Federal elections, including determining the cause of the late-mailed ballots, and taking any administrative or other actions designed to prevent future UOCAVA violations arising from the State's or counties' election practices. The State agreed to provide a status report to the Department on those efforts.

- Nevada: On October 8, 2010, the Department reached an agreement with Nevada. One county, Elko County, had failed to send its UOCAVA ballots by the September 18, 2010 deadline. Along with other measures to expedite delivery of the requested ballots, including efforts to send ballots by e-mail or expedited mail, the Nevada Secretary of State adopted an emergency regulation to provide an additional six days, until November 8, 2010, for Elko County's UOCAVA voters to return their ballots to provide eligible military and overseas voters at least 45 days to receive, cast, and return their ballots.
- North Dakota: On October 8, 2010, the Department reached an agreement with North Dakota. Thirteen counties in North Dakota had failed to send their UOCAVA ballots by the September 18, 2010 deadline. To remedy this violation, North Dakota confirmed that the canvassing boards in the affected counties agreed to meet to canvass the election results six days after the election, to provide eligible military and overseas voters at least 45 days to receive, cast, and return their ballots. In addition, North Dakota committed to take all necessary actions to ensure compliance in future Federal elections, including determining the cause of the late-mailed ballots and taking any administrative or other actions designed to prevent future UOCAVA violations arising from the State's or counties' election practices. The State agreed to provide a status report to the Department on those efforts.

E. Activity in Other Litigation by the Attorney General under UOCAVA

The Department concluded its 2008 litigation against the Commonwealth of Virginia upon the Federal district court's recent entry of a Consent Decree requiring remedial measures for future Federal elections.

- Virginia: On December 14, 2010, the Federal district court in *United States v. Cunningham*, No. 3:08-cv-709 (E.D. Va.), signed and entered a Consent Decree between the United States and Commonwealth of Virginia officials embodying a remedial program for compliance with UOCAVA in future Federal elections. Approval of this remedial agreement concludes extensive litigation initiated in 2008 to enforce UOCAVA in that year's Federal general election and to obtain relief to ensure full compliance in the future. On November 14, 2008, the Department filed a motion to intervene in *McCain-Palin 2008, Inc. v. Cunningham* (E.D. Va.) and filed a complaint alleging that Virginia election officials failed to send absentee ballots in a timely manner to military and overseas voters for the November 4, 2008 Federal general election. On October 15, 2009, the court granted summary judgment for the United States, holding that the Commonwealth violated UOCAVA by failing to timely mail absentee ballots to eligible uniformed service members and overseas citizens, and ordered the Defendants to count timely requested, late-mailed, and otherwise-valid absentee ballots from military and overseas voters that arrived within 30 days of the close of the polls on November 4, 2008. The Court permitted the parties time to negotiate agreed procedures to ensure full UOCAVA compliance in future

elections. After negotiations failed to resolve the matter, the Department filed a motion for entry of permanent relief. On September 13, 2010, the court ruled that it would take the motion for permanent relief under advisement. It held that the United States properly raised the issue of prospective relief, and rejected Defendants' argument that the case was at an end after the ruling on liability. The court ordered the parties to undertake discovery to develop the facts on the cause of Virginia's prior noncompliance, and further ordered the parties to discuss "the creation of an appropriate, functional future compliance plan."

Following discovery, further settlement discussions and mediation resulted in the agreement filed by the parties on December 10, 2010 and ordered by the court on December 14, 2010. The Consent Decree provides training, monitoring, reporting, and backup procedures to be used by Commonwealth election officials to ensure that absentee ballots are transmitted to eligible military and overseas voters no later than 45 days before a Federal election. In addition, it requires Defendants to undertake a review of operational procedures to determine the reasons for prior failures to timely transmit UOCAVA ballots and to address such failures with appropriate training.

ATTACHMENT

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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

September 3, 2010

Sent via facsimile transmission (202) 307-3961 and U.S. mail

Mr. Chris Herren
Chief, Voting Section
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RE: Withdrawal of MOVE Act Waiver

Dear Mr. Herren:

As you requested in our conference call yesterday, I am submitting to you the division's proposal for compliance with the 45-day ballot transit time.

As we discussed, the state was able to formulate a plan to comply with the MOVE Act ballot transit time, and so Alaska no longer needs a waiver from the 45-day deadline. Under the new plan, the division will complete the state review board process on an expedited schedule, and expedite other elements of the election certification process. The division has increased the number of members of the state review board in order to expedite the election certification process.

As you are aware, there are two very close state legislative races in House District 12 and 18. Two teams of the state review board will begin their review with these districts in order to certify the House District races on September 9, 2010.

The division will request candidates for these two districts to submit a request for recount immediately versus waiting for the maximum five day period allowed for by state law. The division will conduct the recount within two days of receipt of the recount application. Both recounts would be able to be conducted on the same day and completed in one day.

The absentee office will begin UOCAVA ballot mailing preparation the week of September 13. Envelopes will be labeled and all absentee related documents will be inserted, with the exception of the ballot.

The last day to withdraw from the general election ballot is September 15. The division plans to certify the primary election on September 15 or 16. As soon as certification is

Mr. Chris Herren
September 3, 2010
Page 2 of 2

complete, the division will produce .pdf versions of all forty house district ballots. These ballots will include all races applicable to the house district, including all federal races. The absentee office will copy ballots and complete the ballot mailing for delivery to the U.S. Postal Service on September 18, 2010.

The absentee office will also fax ballots to UOCAVA voters that have requested their ballot be sent by fax on September 18, 2010.

As new requests for absentee ballots are received from UOCAVA voters, the division will continue to mail or fax the .pdf version of the ballot to UOCAVA voters until the official ballot becomes available.

Although the state does not believe it is required I commit to providing your office with updates as deadlines are met. These updates will include certification dates for the two close house district races, date of recount, date of recount completion, date of certification for the remainder of races and ballot propositions, and date ballots are provided to the absentee office.

I will also provide you with the number of ballots mailed and faxed to UOCAVA voters on September 18, 2010.

The division is pleased that Alaska is able to meet the 45 day ballot transit time and no longer needs a waiver from this deadline.

If you have any questions, please do not hesitate to contact me at 907-465-2644.

Sincerely,



Gail Fenumiai
Director

cc: Hon. Craig Campbell, Lieutenant Governor
John Cramer, Chief of Staff, Lieutenant Governor's Office
Sarah Felix, AAG, Labor and State Affairs Section, Juneau
Mike Barnhill, AAG, Labor and State Affairs Section, Juneau
Lynn C. Simpson, Director, Human Capital and Resource Management
Bob Carey, Director, Federal Voting Assistance Program

State of Colorado

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE
STATE OF COLORADO REGARDING COMPLIANCE WITH THE UNIFORMED AND
OVERSEAS CITIZENS ABSENTEE VOTING ACT**

A. Introduction.

This agreement is entered into between the United States of America, through the United States Department of Justice ("United States" or "the Department"), and the State of Colorado and the Colorado Secretary of State, Bernie Buescher, in his official capacity as Colorado's chief state election official (collectively the "State"), to facilitate the State's compliance with Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

This matter arises out of UOCAVA's requirement, pursuant to amendments by the MOVE Act, that states transmit to their UOCAVA voters validly requested absentee ballots at least 45 days before an election for Federal office. 42 U.S.C. § 1973ff-1(a)(8). Based on Colorado's August 10, 2010 primary election date and associated deadlines, the State requested from the Presidential designee for UOCAVA, the Secretary of Defense, a hardship exemption from the "45 day advance" ballot transmission requirement of UOCAVA pursuant to 42 U.S.C. § 1973ff-1(g). On August 27, 2010, the Secretary of Defense denied the request for a hardship exemption. That same day, the Department of Justice notified Colorado that in light of the waiver request denial, it appeared that the State would be in violation of UOCAVA for the upcoming Federal general election, and a lawsuit to enforce UOCAVA had been authorized.

The United States and the State, through their respective counsel, have conferred and agree that this matter should be resolved without the burden and expense of litigation. The parties share the goal of ensuring that Colorado's UOCAVA voters will have sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election and in future Federal general elections. As consideration for this Agreement, the United States has agreed to forgo litigation, subject to compliance with the terms of this Agreement. The parties negotiated in good faith and hereby enter into this Agreement as an appropriate resolution of the UOCAVA claims alleged by the United States.

B. Recitals.

The United States and the State stipulate and agree that:

1. The United States District Court for the District of Colorado has jurisdiction to enforce provisions of UOCAVA, 42 U.S.C. §§ 1973ff to 1973ff-7, and the Federal Court would have jurisdiction over an action brought by the United States to enforce the terms of this Agreement pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201(a).

2. The United States Attorney General is authorized to enforce the provisions of UOCAVA. 42 U.S.C. § 1973ff-4.
3. The State of Colorado is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.
4. Bernie Buescher is the Secretary of State of the State of Colorado. As the State's Secretary of State, Buescher has general supervisory authority over all primary, general, congressional vacancy, and State-wide ballot issue elections in the State and is responsible for assuring that elections in the State are conducted in accordance with the law. COLO. REV. STAT. § 1-1-107 (2010).
5. Section 102(a)(8) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8).
6. States can be exempted from the requirement to transmit ballots 45 days in advance of a federal election if they apply for, and are granted, a hardship waiver from the Presidential Designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State applied for a hardship waiver on the grounds that Colorado's August 10, 2010 primary election and subsequent September 3, 2010 certification prevented the State from complying with Section 102(a)(8)(A). 42 U.S.C. § 1973ff-1(a)(8)(A). On August 27, 2010, pursuant to its statutory authority, the Department of Defense denied the State's request for a hardship waiver, finding that (1) Colorado had failed to establish an undue hardship that prohibits the State from complying with UOCAVA; and (2) the State's proposed comprehensive plan did not provide sufficient time for UOCAVA voters to vote and have their ballots counted as a substitute for transmitting absentee ballots not later than the 45th day prior to the November 2, 2010 Federal general election in accordance with Section 102(a)(8)(A) of UOCAVA.
7. On August 10, 2010, the State held a Federal primary election in which voters selected candidates for the Federal general election on November 2, 2010.
8. On September 3, 2010, Colorado certified the contents of the Federal general election ballot.
9. County election officials have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

10. In order to be counted under Colorado law, ballots cast by Colorado military personnel serving outside the United States and their spouses and/or dependents residing outside of the United States for the same reason must be received by the close of business on the eighth day after the election, provided the ballot was voted and transmitted by 7:00 pm on election day. COLO. REV. STAT. § 1-8-103.5 (2010). Absentee ballots from other voters eligible to vote under UOCAVA, including absent uniformed services voters within the United States and non-military personnel residing overseas, must be received by the close of polls on election day to be counted.
11. The failure by the State either to obtain a hardship waiver or to transmit absentee ballots to UOCAVA voters by the 45th day before the November 2, 2010 Federal general election constitutes a violation of 102(a)(8)(A) of UOCAVA. The United States asserts that, absent the actions described herein to ensure that election officials in all of Colorado's counties are able to and will transmit requested ballots to UOCAVA voters no later than 45 days in advance of the November 2, 2010 Federal general election, United States citizens protected under UOCAVA may be deprived of a sufficient opportunity to vote in that election, in violation of UOCAVA.
12. The Department and the State have been engaged in extensive discussions since the August 27, 2010 denial by the Secretary of Defense of the State's waiver request, and have reached an agreement on a series of actions to be taken by the State to ensure compliance with Section 102(a)(8)(A) of UOCAVA and provide UOCAVA voters sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election. It is the intent of the State and the United States that the State immediately undertake and complete the actions set forth in this Agreement.

C. Terms of Agreement.

Now, therefore, for full and adequate consideration given and received, the United States and the State agree that:

1. The State shall take all necessary actions to ensure that each of its 64 counties transmits absentee ballots no later than 45 days before the November 2, 2010 Federal general election (September 18, 2010) by postal mail, or electronically by either email or facsimile, according to the request of the voter, to all qualified UOCAVA voters who have requested a ballot by that date. Those actions include, but are not limited to, the following: a) issuing directives as necessary to ensure each Colorado county transmits an absentee ballot no later than 45 days before the November 2, 2010 election; and b) monitoring each county's progress toward meeting its ballot transmittal deadline. If, however, there is evidence on or before the 45th day before the Federal general election that

any county clerk will be unable to or has failed to deliver or mail absentee ballots to all qualified UOCAVA voters, the Secretary of State will deploy staff and/or otherwise assist such counties to ensure the ballots are transmitted on or before the 45th day before the Federal general election. The Secretary of State shall exercise his full authority pursuant to Sections 1-1-107 and 1-8-103 of the Colorado Election Code to ensure absentee ballots are sent to all qualified voters in accordance with the terms of UOCAVA. In the event that any county election official fails to comply with any directive issued by the Secretary of State or his agents under this paragraph, the Secretary of State shall immediately take such enforcement actions pursuant to Section 1-1-107 Colorado Election Code as are necessary to ensure compliance with the directives.

2. If there is evidence after the 45th day before the November 2, 2010 Federal general election that any Colorado counties have failed to send official absentee ballots to all UOCAVA voters whose applications were received and approved by that date, the State agrees that it will immediately notify the United States. The parties shall confer immediately on the appropriate remedial steps, which shall include the State's adoption of an emergency rule or other directive(s) pursuant to Section 1-8-103 of the Colorado Election Code to provide for one or both of the following measures as the circumstances require:
 - a. A requirement that official absentee ballots be transmitted by the county boards of elections to qualified UOCAVA voters by means other than regular United States mail, including express mail, at the expense of the State or the expense of the county, as appropriate.
 - b. A requirement that the State and the counties take appropriate steps to make other means of returning absentee ballots available to all qualified absentee electors protected by UOCAVA, including express mail and/or electronic transmission of the official ballot by facsimile or email at the expense of the State or the county, as appropriate.
3. Because enforcement of the requirements of UOCAVA depends on timely and accurate information about the extent of compliance in each of Colorado's counties, the Secretary of State shall order the county clerk of each of Colorado's counties to confirm in writing to the Colorado Secretary of State, no later than September 20, 2010, that absentee ballots have been transmitted by postal mail or electronically, according to the request of the voter, no later than September 18, 2010 to all UOCAVA voters whose applications for such ballots have been received by that date.
4. Upon execution of this Memorandum of Agreement, the State shall issue a press statement for immediate release, posted immediately on the State's election information website, and distributed to the Federal Voting

Assistance Program; International Herald Tribune (<http://www.iht.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (<http://www.estripes.com>), and any other appropriate newspaper or news media in the State of Colorado. The news release shall, at a minimum: (a) summarize this Agreement; (b) identify the contests for Federal office that will be on the ballot on November 2, 2010; and (c) provide appropriate contact information at the State of Colorado's Elections Division for assistance. The State shall make additional reasonable efforts to advise affected electors that although some counties may need to send a ballot on copy paper if their regular ballots are not printed in time, the ballots will be counted in the same manner as any other ballot. Such outreach efforts will include the press statement required by this paragraph, email correspondence to all affected electors for whom the State has an email address, a letter to the Colorado Department of Military Affairs, and a notice posted on the Secretary of State website. The state shall also urge counties to post such notice on the county websites.

5. The State shall provide a report to the United States Department of Justice no later than September 21, 2010 concerning the transmittal of UOCAVA absentee ballots by the counties. The report shall (a) certify that absentee ballots were transmitted no later than September 18, 2010 to all qualified UOCAVA voters whose applications for ballots have been received and approved by that date; and (b) indicate, by county, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof. No later than October 6, 2010, the State shall provide a supplemental report showing, by county, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof, on each day between September 20, 2010 and the 30th day before the election.
6. The State shall provide a report to the United States Department of Justice no later than December 17, 2010 concerning the number of UOCAVA absentee ballots, by county, received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, by county, and categorized by absent uniformed services voters with APO and FPO addresses, uniformed services voters at a street address within the United States, and overseas civilian voters:
 - a. The number of absentee ballots from UOCAVA voters received before the close of the polls on November 2, 2010 and counted;
 - b. The number of absentee ballots from UOCAVA voters received and counted after the close of the polls on November 2, 2010 but prior to the close of business on November 10, 2010;

- c. The number of absentee ballots from UOCAVA voters received later than the close of business on November 10, 2010; and
 - d. The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt.
7. The State shall take such actions as are necessary to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal general elections, including proposing legislation and taking any administrative actions needed to fully remedy the potential UOCAVA violations that gave rise to this Agreement. The parties agree to confer on the progress of these efforts, and Defendants shall provide a status report to the United States by July 1, 2011.

D. Term.

The State's obligations under this Agreement shall commence immediately and shall expire in their entirety on December 1, 2012. This Agreement may terminate sooner, however, and shall so terminate immediately upon the State's adoption of legislation or other measures that remedy fully the UOCAVA-related concerns giving rise to this Agreement.

E. Enforcement.

The terms of this Agreement are intended to resolve the potential violation of Section 102(a)(8) of UOCAVA arising from the denial of the State's waiver application on August 27, 2010. Where the State fails in any manner to comply with the terms of this Agreement, this Agreement is enforceable immediately in United States District Court for the District of Colorado as set forth above, and additionally in such event, the United States also may take any other actions required to enforce Section 102(a)(8) of UOCAVA in the United States District Court, including seeking appropriate relief as a substitute for or in addition to the actions which are the subject of this Agreement. Appropriate relief may include those measures referenced in Paragraph 2(a) and (b) of this Agreement and/or an appropriately-tailored extension of the State's ballot receipt deadlines. Nothing in this Agreement precludes the United States from taking appropriate enforcement action against the State for any other violations of UOCAVA that are not the subject of this Agreement.

F. General.

This Agreement is binding on the parties and their successors in office. The parties agree to the admissibility of this Agreement without objection in any subsequent proceeding for its enforcement or other action filed to enforce Section 102(a)(8) of UOCAVA.

The undersigned enter into this Agreement this 16th day of September, 2010:

For the United States:

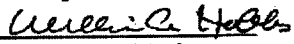
THOMAS E. PEREZ
Assistant Attorney General
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For the Colorado Secretary of State:

BERNIE BUESCHER


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District of Columbia

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE DISTRICT
OF COLUMBIA AND THE DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND
ETHICS REGARDING COMPLIANCE WITH THE UNIFORMED AND OVERSEAS CITIZENS
ABSENTEE VOTING ACT**

A. Introduction

This agreement is entered into between the United States of America, through the United States Department of Justice ("United States"), and the District of Columbia and the District of Columbia Board of Elections and Ethics ("Board") (collectively, "the District"), to facilitate the District's compliance with Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

This matter arises out of UOCAVA's requirement, pursuant to amendments by the MOVE Act, that states that have not received a hardship exemption transmit to their UOCAVA voters validly requested absentee ballots at least 45 days before an election for Federal office. 42 U.S.C. § 1973ff-1(a)(8). The definition of "state" includes the District of Columbia. 42 U.S.C. § 1973ff-6. Based on the District's September 14, 2010 primary election date, the District requested from the Presidential designee for UOCAVA, the Secretary of Defense, a hardship exemption from the "45 day advance" transmission requirement of UOCAVA, pursuant to 42 U.S.C. § 1973ff-1(g). On August 27, 2010, the Secretary of Defense denied the District's request. That same day, the Department of Justice notified the District that in light of the waiver request denial, it appeared the District would be in violation of UOCAVA for the upcoming Federal general election and a lawsuit to enforce UOCAVA had been authorized.

Following discussions between the Department of Justice and the District, the District has taken steps to ensure that UOCAVA voters have 45 days to receive and return their ballots for the upcoming Federal general election. Pursuant to authority set forth in D.C. Code § 1-1001.05(a)(14), the Board met on September 1, 2010 and passed emergency rules amending 3 DCMR Chapter 7, "Election Procedures" to incorporate October 4, 2010 as the ballot transmission deadline. Pursuant to authority set forth in D.C. Code § 1-1001.05(a)(14), the Board met on September 1, 2010 and passed emergency rules amending 3 DCMR Chapter 7, "Election Procedures" and 3 DCMR Chapter 8, "Tabulation and Certification of Election Results" to add seven (7) additional days to its ballot receipt deadline extension.

The United States and the District, through counsel, have conferred and agree that this matter should be resolved without the burden and expense of litigation. The parties share the goals of providing UOCAVA voters with sufficient opportunity to receive absentee ballots they have requested and to submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election and in future Federal general elections. As consideration for this Agreement, the United States has agreed to forgo litigation, subject to compliance with the terms

of this Agreement. The parties negotiated in good faith and enter into this Agreement as an appropriate resolution of the UOCAVA violations alleged by the United States.

B. Recitals

The United States and the District stipulate and agree that:

1. The United States District Court for the District of Columbia has jurisdiction to enforce provisions of UOCAVA, 42 U.S.C. §§ 1973ff to 1973ff-7, and the Federal Court would have jurisdiction over an action brought by the United States to enforce the terms of this Agreement pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201(a).
2. The United States Attorney General is authorized to enforce the provisions of UOCAVA. 42 U.S.C. § 1973ff-4.
3. The District is responsible for complying with UOCAVA and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.
4. The Board is the District agency primarily responsible for conducting elections in the District. D.C. Code § 1-1001.05(a)(3). As part of that responsibility, the Board is responsible for recording and counting votes, certifying election results, providing information to UOCAVA voters, and complying with UOCAVA's mandates. D.C. Code §§ 1-1001.05(a)(4), (10), and (11).
5. Section 102(a)(8) of UOCAVA requires that states transmit validly requested absentee ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8).
6. States can be exempted from the 45-day requirement if they apply for and are granted a hardship waiver from the Presidential Designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). The District applied for a hardship waiver on the grounds that its September 14, 2010 primary election prevented the District from complying with Section 102(a)(8)(A). On August 27, 2010, pursuant to its statutory authority, the Department of Defense denied the District's request for a hardship waiver, finding that although the District's primary election date caused the District undue hardship, the District's proposed comprehensive plan did not provide sufficient time for UOCAVA voters to vote and have their ballots counted as a substitute for transmitting absentee ballots not later than the 45th day prior to the November 2, 2010 Federal general election in accordance with Section 102(a)(8)(A) of UOCAVA.
7. On September 14, 2010, the District conducted a Federal primary election in which voters selected candidates for the Federal general election on November 2, 2010. The

date of the September 14, 2010 primary election is 49 days prior to the November 2, 2010 general election for Federal office.

8. Election officials of the District have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.
9. To be counted under District of Columbia law, all mailed and postmarked absentee ballots must be postmarked not later than the day of the election; all mailed absentee ballots (postmarked and non-postmarked) must be received not later than ten days after the election. D.C. Mun. Regs. tit. 3, § 717.10.
10. The District concedes that, absent emergency remedial measures, it would not be able to send absentee ballots to UOCAVA voters until October 13, 2010, and thus would transmit ballots by mail no more than 20 days prior to the Federal general election, and no more than 30 days in advance of the November 12, 2010 deadline for the return of mailed ballots for the November 2, 2010 Federal general election.
11. The District's failure to either obtain a hardship waiver or to transmit absentee ballots to qualified UOCAVA voters 45 days in advance of the November 2, 2010 Federal general election violates Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A). Absent the remedial actions described herein, United States citizens protected under UOCAVA may be deprived of a sufficient opportunity to vote in that election, in violation of UOCAVA.

C. Terms of Agreement

Now, therefore, for full and adequate consideration given and received, the United States and the District agree that:

1. For the November 2, 2010 Federal general election, the District shall take the following steps to ensure that all UOCAVA voters are sent the official absentee ballot no later than October 4, 2010: (a) The District will complete final tabulation of all election ballots for the September 14, 2010 primary election no later than September 24, 2010; (b) The District will certify the results of the September 14, 2010 primary election no later than September 27, 2010; (c) The District will transmit the official absentee ballots to UOCAVA voters by postal mail, or electronically by either email or fax or the District's Digital Vote by Mail system, according to the request of the voter, no later than October 4, 2010.
2. For the November 2, 2010 general election, the District shall extend by 7 days the deadline for receipt of ballots from UOCAVA voters to ensure that UOCAVA voters have the benefit of a full 45-day period to receive and return their ballots. Under this extension, absentee ballots from all UOCAVA voters that are executed and sent by November 2, 2010 and received by the close of business on November 19, 2010 will be accepted and tabulated in the final

Federal general election results. For the November 2, 2010 general election for Federal office, the District shall take such steps as are necessary to count as validly cast those ballots, including Federal Write-in Absentee Ballots, cast by absent uniformed service voters and overseas voters qualified to vote in the District pursuant to UOCAVA, provided such ballots are executed by November 2, 2010, received by November 19, 2010, and are otherwise valid.

3. The District shall take all necessary steps to afford eligible UOCAVA voters a reasonable opportunity to learn of this Memorandum of Agreement by including a notice with every absentee ballot sent to UOCAVA voters. The notice shall, at minimum: (a) explain that the deadline for the ballot to be executed and sent is November 2, 2010; (b) explain that the deadline for receipt of the ballot has been extended to November 19, 2010; and (c) provide appropriate contact information at the District's Board of Elections and Ethics for assistance.
4. Upon execution of this Agreement, the District shall issue a press statement for immediate release, posted immediately on the District's election information website and distributed to the Federal Voting Assistance Program; International Herald Tribune (<http://www.iht.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (www.estripes.com), and any other appropriate newspaper or news media in the District. The news release shall, at minimum: (a) summarize this Agreement, including a notice that the deadline for receipt of the ballot has been extended to November 19, 2010 for UOCAVA voters; (b) identify the contests for Federal office that will be on the ballot on November 2, 2010; and (c) provide appropriate contact information at the District's Board of Elections and Ethics for assistance.
5. The District shall provide a report to the United States Department of Justice no later than October 6, 2010 concerning the transmittal of UOCAVA absentee ballots. The report shall (a) certify that absentee ballots were transmitted no later than October 4, 2010 to all qualified UOCAVA voters whose applications for ballots have been received and approved by that date; and (b) indicate the number of requests received, the number of UOCAVA absentee ballots transmitted, and the method of transmittal.
6. The District shall provide a report to the United States Department of Justice no later than December 17, 2010 concerning the number of UOCAVA absentee ballots received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information categorized by absent uniformed services voters with APO and FPO addresses, uniformed services voters at a street address within the United

States, and overseas civilian voters:

- a. The number of absentee ballots from UOCAVA voters received before the close of the polls on November 2, 2010 and counted;
 - b. The number of absentee ballots from UOCAVA voters received and counted after the close of the polls on November 2, 2010 but prior to the close of business on November 19, 2010;
 - c. The number of absentee ballots from UOCAVA voters received later than the close of business on November 19, 2010; and
 - d. The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt.
7. The District shall take all necessary actions to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including all legislative and administrative actions needed to fully comply with UOCAVA. The parties recognize that on June 1, 2010, the Council of the District of Columbia adopted a "Sense of the Council Primary Election Timing Resolution of 2010" acknowledging that the District needed to enact legislation to move its primary election for federal offices to a date no later than the first Tuesday of the first full week of August, beginning in 2012. The parties agree to confer on the progress of these efforts, and the District shall provide a status report to the United States by April 1, 2011.

D. Term

The District's obligations under this Agreement shall commence immediately and shall expire in their entirety on January 31, 2013.

E. Enforcement

The terms of this Agreement are intended to resolve the potential violation of Section 102(a)(8) of UOCAVA arising from the denial of the District's waiver application on August 27, 2010. Where the District fails in any manner to comply with the terms of this Agreement, this Agreement is enforceable immediately in United States District Court for the District of Columbia as set forth above. In such event, the United States also may take any other actions required to enforce Section 102(a)(8) of UOCAVA in the United States District Court, including seeking appropriate relief as a substitute for or in addition to the actions which are the subject of this Agreement. Nothing in this Agreement precludes the United States from taking appropriate enforcement action against the District for any other violations of UOCAVA that are not the subject of this Agreement.

F. General

This Agreement is binding on the parties and their successors in office. The parties agree to the admissibility of this Agreement without objection in any subsequent proceeding for its enforcement or other action filed to enforce Section 102(a)(8) of UOCAVA.

The undersigned enter into this Agreement this 17th day of September, 2010:

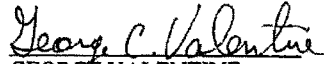
For the United States:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

Richard Dellheim/LGC

T. CHRISTIAN HERREN JR.
REBECCA J. WERTZ
RICHARD A. DELLHEIM
LAURA G. COATES
JARED SLADE
JUSTIN WEINSTEIN-TULL
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State of Hawaii

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF
AMERICA AND THE STATE OF HAWAII REGARDING COMPLIANCE WITH THE
UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT FOR THE
NOVEMBER 2, 2010 FEDERAL GENERAL ELECTION**

A. Introduction

This agreement is entered into between the United States of America, through the U.S. Department of Justice ("United States" or "the Department"), and the State of Hawaii and Scott Nago, in his official capacity of Chief Election Officer of the State of Hawaii (collectively the "State"), through the Office of the Attorney General of the State of Hawaii, in order to secure the voting rights of absent uniformed services and overseas voters protected by the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

This matter arises out of UOCAVA's requirement, pursuant to amendments by the MOVE Act, that states transmit to their UOCAVA voters validly requested absentee ballots at least 45 days before an election for Federal office, 42 U.S.C. § 1973ff-1(a)(8), absent the granting of a waiver pursuant to 42 U.S.C. § 1973ff-1(g)). Hawaii's primary election is on September 18, 2010, which is exactly 45 days prior to the November 2, 2010 federal general election. In light of this, the State on March 25, 2010, requested from the Presidential designee for UOCAVA, the Secretary of Defense, a hardship exemption from the "45 day advance" transmission requirement of UOCAVA, pursuant to 42 U.S.C. § 1973ff-1(g). In its waiver request, Hawaii proposed mailing out its absentee ballots 35 days in advance of the November

2010 election, to accommodate State law requirements concerning, among other things, certification of the results of the primary election. On August 27, 2010, the Secretary of Defense found that Hawaii's primary date caused the State undue hardship, but denied Hawaii's waiver application due to the inadequacy of its comprehensive plan to transmit UOCAVA ballots in time to be received, marked and returned in time to be counted for the November 2, 2010 federal general election.

The United States and the State, through their respective counsel, have conferred and agree that this matter should be resolved without the burden and expense of litigation. The parties share the goal of ensuring that Hawaii's UOCAVA voters will have sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election. As consideration for this Agreement, the United States has agreed to forgo litigation, subject to compliance with the terms of this Agreement. The parties negotiated in good faith and hereby enter into this Agreement as an appropriate resolution of the UOCAVA claims alleged by the United States.

B. Recitals.

The United States and the State stipulate and agree that:

1. The United States District Court for the District of Hawaii has jurisdiction to enforce provisions of the UOCAVA, 42 U.S.C. §§ 1973ff to 1973ff-7, and the Federal Court would have jurisdiction over an action brought by the United States to enforce the terms of this Agreement pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. § 1345.
2. The United States Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4.
3. The State of Hawaii is responsible for complying with UOCAVA, and ensuring

that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.

4. Scott T. Nago is the Chief Election Officer for the State of Hawaii. The State's Chief Election Officer has general supervisory authority over all elections in the State and is responsible for assuring that elections in the State are conducted in accordance with the law. Haw. Rev. Stat. §§ 11-2, 11-155, 11-156.
5. Section 102(a)(8) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption (waiver) is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8).
6. States can be exempted from the requirement to transmit ballots 45 days in advance of a Federal election if they apply for, and are granted, a hardship waiver from the Presidential Designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State applied for a hardship waiver on grounds that Hawaii's September 18, 2010 primary election prevented the State from complying with Section 102(a)(8)(A). 42 U.S.C. § 1973ff-1(a)(8)(A). On August 27, 2010, pursuant to its statutory authority, the Department of Defense denied the State's request for a hardship waiver.
7. On September 18, 2010, the State will conduct a Federal primary election in which voters will select candidates for the Federal general election on November 2, 2010. The date of the September 18, 2010 primary election is exactly 45 days prior to the November 2, 2010 general election for Federal office.

8. Election officials of the State have received timely requests for absentee ballots for the November 2, 2010 Federal general election from approximately 208 voters who are entitled to vote pursuant to the provisions of UOCAVA.
9. The State has asserted it will be unable to send absentee ballots to UOCAVA voters until on or about September 28, 2010, and thus will transmit ballots no earlier than 35 days in advance of the deadline for their return for the November 2, 2010 Federal general election.
10. Under Hawaii law, absentee ballots received after the polls close on election day are not counted. Haw. Rev. Stat. § 15-9.
11. The United States contends that the failure by Hawaii either to obtain a hardship waiver or to transmit absentee ballots to UOCAVA voters by the 45th day before the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA. Hawaii contends that since the Secretary applied an incorrect standard in determining whether to grant Hawaii a waiver, and that he erred in failing to grant Hawaii a waiver, Hawaii is not in violation of UOCAVA. The United States contends that absent corrective action, the admitted inability of election officials in Hawaii to transmit absentee ballots to UOCAVA voters 45 days in advance of the November 2, 2010 Federal general election threatens to deprive United States citizens protected under UOCAVA of a sufficient opportunity to vote in that election. Hawaii contends that the current time voters will have to transmit absentee ballots provides sufficient opportunity for those voters to vote in that election.
12. The parties recognize that on May 20, 2010, in order to facilitate compliance with UOCAVA's requirement to transmit absentee ballots to UOCAVA voters 45 days

in advance of an election for Federal office, the Hawaii Governor signed into law Act 126, which takes effect on January 1, 2011 and which, among other things, moves Hawaii's primary date to the second Saturday in August in every even-numbered year. The parties anticipate that this law will enable Hawaii, without a waiver, to meet the requirements of Section 102(a)(8)(A) of UOCAVA in future general elections for Federal office beginning in 2012.

13. The Department and the State have been engaged in extensive discussions since the August 27, 2010 denial by the Secretary of Defense of the State's waiver request, in an attempt to reach agreement on actions to be taken by the State to ensure that United States citizens protected under UOCAVA have a sufficient opportunity to receive, mark and return their absentee ballots in time to be counted for the November 2, 2010 Federal general election. To ensure that Hawaii's UOCAVA voters will have sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, the parties have agreed on a series of actions to be taken by the State, specifically including the provision, at the State's expense, of express delivery and return of absentee ballots for UOCAVA voters, to protect the voting rights of UOCAVA voters. The parties believe that, in the instant circumstances, the State's agreement to provide express delivery and return service for absentee ballots and to take other actions set forth below will decrease substantially the overall transit time required for the delivery, marking and return of absentee ballots of UOCAVA voters in time for those ballots to be counted for the November 2, 2010 Federal general election.

14. It is the intent of the State and the United States that the State immediately undertake and complete the actions set forth in this Agreement.

C. Terms of Agreement

Now, therefore, for full and adequate consideration given and received, the United States and the State agree that:

1. The State shall transmit ballots for the November 2, 2010 Federal general election either electronically or by mail, according to the voter's choice, to all of the State's UOCAVA voters who have validly requested such ballots, no later than September 24, 2010, except if an election contest or contests make it impractical for the State to do so as described in Paragraph C.2 below. With regard to all UOCAVA voters who have requested transmission by mail, the State shall provide for transmittal and return of such ballots as set forth in Paragraphs 3 and 4 below.
2. If an election contest or contests occurs such that the State believes it is impractical to send out a ballot to any UOCAVA voters affected by the pending election contest(s) by September 24, 2010, the State will immediately confer on this with the Department. If the parties agree that it is impractical to send out a ballot to any UOCAVA voters because of a pending election contest or contests, the State shall proceed as follows: a) the State shall immediately attempt to contact by, in the following order, electronic mail, facsimile or telephone, each UOCAVA voter whose electronic or mail ballot transmission is affected by the pending election contest(s) to advise each such voter: i) that transmission of his or her ballot has been delayed due to the election contest(s); ii) of the option to receive his or her ballot by electronic mail if the voter has not already chosen such option; and iii) that his or her ballot will be transmitted immediately upon the resolution of the election contest(s), which

is anticipated to be no more than 4 days; b) the State shall transmit, by electronic mail or by express mail as set forth immediately below, dependent upon the individual UOCAVA voter's choice, each such delayed UOCAVA ballot to each UOCAVA voter affected by the election contest(s), immediately upon the resolution of each election contest(s) by the Hawaii court. In addition to the above, where a particular election contest does not involve any Federal office, but only State office(s), the UOCAVA voter whose absentee ballot transmission is delayed by such contest should also be advised by the State of the candidates for Federal office for the November 2, 2010 Federal general election and of his or her ability to utilize the Federal Write-in Absentee Ballot (FWAB), with instruction on how to access the FWAB, to vote for Federal office candidates prior to receipt of his or her absentee ballot from the State. Where the State contact with such voter is by electronic mail, the State shall attach a FWAB and a list of the candidates for Federal office to the electronic mail in the form of an electronic file.

If the parties are unable to resolve any dispute regarding an election contest, the parties agree that the dispute may be resolved by the United States District Court for the District of Hawaii following the bringing of an action to enforce this Agreement and/or UOCAVA by the United States.

3. The State shall at its expense provide for express mail service for transmittal of blank ballots and return of completed ballots for military voters and overseas voters with Diplomatic Post Office ("DPO") addresses, through the use of the Express Mail Service of the United States Postal Service ("USPS").
4. The State shall at its expense provide for express delivery service for transmittal of blank ballots and return of completed ballots for all other UOCAVA voters,

utilizing FedEx express delivery service. The State may also include International Reply coupons to certain voters, to offer an alternative means of return of the completed ballots.

5. The State shall provide that each ballot sent by express mail or express delivery service to UOCAVA voters be accompanied by a pre-addressed express mail or express delivery form and appropriate envelope for a voter to utilize to return the ballot to appropriate Hawaii State or local election officials, as well as a set of instructions developed by the State explaining how to return the ballot by express mail or express delivery, or electronically, as set forth below. The parties acknowledge that the Department of Defense has established new procedures under UOCAVA for collecting marked absentee ballots of absent overseas uniformed services voters for the November 2, 2010 Federal general election and for delivering such marked absentee ballots to the appropriate election officials. 42 U.S.C. § 1973ff-2A. The instructions accompanying all ballots should advise such absent overseas uniformed services voters of their option to utilize the Department of Defense ballot collection and return service or the pre-addressed express mail or express delivery form provided with the ballot to return their ballots to Hawaii election officials.
6. With regard to the State's UOCAVA voters who have validly requested transmittal of absentee ballots, by mail or electronically, for the November 2, 2010 Federal general election, the State agrees to take the following actions to attempt to ensure that such UOCAVA voters receive their ballots and are periodically kept aware of their options under Hawaii Administrative Rule § 3-174-19, to request, receive and return, by facsimile or electronic mail, a replacement absentee ballot for

the November 2, 2010 Federal general election where they have not received such ballot within 5 days of the federal general election: a) Beginning on October 18, 2010, 15 days before the November 2, 2010 federal general election, the State shall attempt to contact by, in the following order, electronic mail, facsimile or telephone, each UOCAVA voter who has validly requested electronic or mail ballot transmission, and whose marked ballot has not yet been returned by the voter and received by Hawaii election officials, to inquire of the voter whether the voter has yet received, by mail or electronically, as applicable, his or her blank absentee ballot; b) Where the State determines by such contact that a UOCAVA voter has not yet received his or her blank absentee ballot, the State shall advise such voter: i) of his or her option under Hawaii Administrative Rule § 3-174-19, to request, receive and return, by facsimile or electronic mail, a replacement absentee ballot for the November 2, 2010 Federal general election where they have not received such ballot within 5 days of the federal general election; and ii) how to request and return a replacement absentee ballot under such circumstances. Such contact of UOCAVA voters as outlined in this paragraph shall be repeated by the State on October 23, 2010, 10 days before the November 2, 2010 federal general election, and on October 28, 2010, 5 days before the election; and c) Where such contact of a UOCAVA voter pursuant to this paragraph 5 days before the election indicates that the voter still has not received his or her absentee ballot from the State as requested, the State shall advise each such voter of his or her immediate option to request a replacement absentee ballot by electronic mail or by facsimile and to return such ballot by the same means and how to request and return such ballot. The parties acknowledge that electronic or facsimile return of a replacement absentee ballot may involve a voter

being required to waive certain privacy rights with regard to his or her vote.

7. By close of business on Wednesday, September 22, 2010, the State shall complete its attempt to contact its UOCAVA voters eligible to participate in the State's November 2, 2010 Federal general election, by, in the following order, electronic mail, facsimile or phone, to advise such UOCAVA voters of the terms of this Agreement and, specifically, of: 1) the State's plan for express mail or express delivery service for UOCAVA voters as set forth in this Agreement; 2) the option to receive a ballot by electronic mail if the voter has not already requested such option; and 3) the ability of UOCAVA voters who have not received their absentee ballot 5 days before the November 2, 2010 Federal general election to request, receive and return a replacement ballot by facsimile or electronic mail.
8. The State shall also take additional steps to afford UOCAVA voters eligible to participate in the State's November 2, 2010 general election for Federal office a reasonable opportunity to learn of this Agreement by issuing a press statement for release within two business days of execution of this Agreement, posted on the State's election information website, and distributed to the Federal Voting Assistance Program; International Herald Tribune (<http://www.iht.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (www.estripes.com), and any other appropriate newspaper or news media in the State. The news release shall, at a minimum: (1) summarize this Agreement; (2) provide appropriate contact information at the State of

Hawaii Office of Elections; and (3) identify the contests for Federal office that will be on the ballot on November 2, 2010;

9. The State shall provide a report to the United States no later than September 21, 2010, on the progress of the implementation of this Agreement, including the final plans for express delivery of ballots, copies of instructions to accompany such ballots, the status of the State's efforts to contact UOCAVA voters concerning this Agreement and their ballot transmittal options, and the status of certification and preparation of the ballots for transmittal to UOCAVA voters. The State shall advise the Department within 24 hours by electronic mail to Risa Berkower at risa.berkower@usdoj.gov as well as by attempted telephone contact to Risa Berkower at 202-305-0150, of any occurrence which may give rise to noncompliance with any term of this Agreement;
10. The State shall provide a report to the United States no later than September 26, 2010, concerning the transmittal of UOCAVA absentee ballots by the counties. The report shall: (a) certify whether absentee ballots were transmitted by September 24, 2010 to all qualified UOCAVA voters who had validly requested such ballots, and if not, the particulars; and (b) indicate, by county, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof. Where there has been an election contest which has delayed the transmission of UOCAVA ballots as set forth above, the State shall provide the above information to the United States as to such ballot transmission within one (1) business day of resolution of each such contest;

11. The State shall provide a supplemental report to the United States by October 6, 2010, concerning the transmittal of UOCAVA absentee ballots, by county, to voters whose requests for an absentee ballot were received subsequent to September 24, 2010, but not less than thirty days (30) before the election. The report shall indicate, by county, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof, on each day between September 24, 2010 and the 30th day before the election; and
12. The State shall provide a report to the United States no later than December 17, 2010, concerning the number of UOCAVA absentee ballots, by county, received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, by county, and categorized by the following voter groups: absent uniformed services voters with APO and FPO addresses; uniformed services voters within the United States; and overseas civilian voters:
 - a. The number of absentee ballots from UOCAVA voters received and counted before the close of the polls on November 2, 2010;
 - b. The number of absentee ballots from UOCAVA voters received after the close of the polls on November 2, 2010; and
 - c. To the extent that the State has the information, the number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office and the reason those ballots were rejected.

D. Term.

The State's obligations under this Agreement shall commence immediately and shall expire in their entirety on December 31, 2010.

E. Enforcement.

The terms of this Agreement are intended to resolve the alleged violation of Section 102(a)(8) of UOCAVA arising from the denial of the State's waiver application on August 27, 2010. Where the State materially fails in any manner to comply with the terms of this Agreement, this Agreement is enforceable immediately in United States District Court for the District of Hawaii as set forth above, and pursuant to law, and additionally in such event, the United States also may take any other actions required to enforce Section 102(a)(8) of UOCAVA in the United States District Court, including seeking appropriate relief as a substitute for or in addition to the actions which are the subject of this Agreement. Nothing in this Agreement precludes the United States from taking appropriate enforcement action against the State for any other violations of UOCAVA that are not the subject of this Agreement.

F. Non-Admission of Fault, Liability, or Violation of UOCAVA

The State has entered into this Agreement in order to avoid litigation and in order to help facilitate voting by UOCAVA-covered voters. The State does not admit any fault, liability, or violation of UOCAVA, and were there UOCAVA litigation the State would assert, *inter alia*, that the Secretary applied an incorrect legal standard in denying Hawaii a waiver, and that the Secretary had an obligation to issue Hawaii a waiver pursuant to 42 U.S.C. §§ 1973ff-1(g), which provides that the Secretary "shall approve a waiver" under certain conditions, which Hawaii believes were met.

G. General.

This Agreement is binding on the parties and their successors in office. The parties agree to the admissibility of this Agreement in any subsequent proceeding for its enforcement, or other action filed to enforce Section 102(a)(8) of UOCAVA.

The undersigned enter into this Agreement this 11TH day of September, 2010:

FOR THE UNITED STATES:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



T. CHRISTIAN HERREN JR.
REBECCA J. WERTZ
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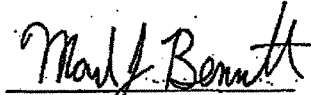
The undersigned enter into this Agreement this 16th day of September, 2010:

FOR THE STATE OF HAWAII:



SCOTT T. NAGO
Chief Election Officer
State of Hawaii

APPROVED AS TO FORM AND SUBSTANCE:



MARK J. BENNETT
Attorney General
State of Hawaii

**Territory of
US Virgin Islands**

Sep-02-10 04:40pm From-

T-101 P.002/003 F-002



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

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September 2, 2010

VIA MAIL & E-MAIL

Thomas E. Perez, Esq.
Assistant Attorney General
U.S. Department of Justice
Office of the Attorney General
Civil Rights Division
Washington, D.C. 20035

Re: U.S. Virgin Islands Compliance with Section 102(a)(8) of
UOCAVA, 42 U.S.C. § 173ff-1(a)(8)

Dear Attorney Perez:

The Election System of the Virgin Islands has received correspondence dated August 27, 2010, from the Under Secretary of Defense denying the U.S. Virgin Islands' April 6, 2010 request for a waiver, pursuant to Section 102(g) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. § 173ff-1(g), of the 45-day requirement under Section 102(a)(8) of UOCAVA, 42 U.S.C. § 173ff-1(a)(8). On August 27, 2010 we also received correspondence from the U.S. Department of Justice, Civil Rights Division, alleging failure of the U.S. Virgin Islands to comply with the provisions of Section 102(a)(8) of UOCAVA, 42 U.S.C. § 173ff-1(a)(8) which requires the Territory to send absentee ballots to absent uniformed services voters and overseas voters not later than 45 days before an election for Federal Office. On September 1, 2010 territorial representatives also had discussions with representatives from the U.S. Department of Justice, Civil Rights Division, Voting Section, regarding the August 27, 2010 letters and the Territory's plan to meet the 45-day requirement set forth in UOCAVA. This serves as our formal response to the August 27, 2010 correspondence and memorializes the Territory's plan, as discussed in the September 1, 2010 conference, to meet the 45-day requirement under Section 102(a)(8) of UOCAVA, 42 U.S.C. § 173ff-1(a)(8).

Section 102(a)(8) of UOCAVA, 42 U.S.C. § 173ff-1(a)(8) applies exclusively to elections for federal office. As you are aware the only federal office that is elected by Virgin Islands voters is a non-voting delegate from the Virgin Islands to the United States House of Representatives. In April 2010, the Election System of the Virgin Islands requested a waiver of the 45-day requirement in anticipation that the office of the Delegate to Congress may be in the primary election. We have recently confirmed that no federal positions will be on the ballot in the upcoming September 11, 2010, primary election— as there are no competing party nominations for the office of Delegate to Congress. Thus, the office of the Delegate to Congress

Sep-02-10 04:40pm From:

T-108 P.003/003 F-802

Thursday, September 02, 2010

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will only be contested in the November 2, 2010 general election. In light of this development, the Virgin Islands would be able to send absentee ballots for the federal office to absent military and overseas voters within the time set forth in Section 102(a)(8) of UOCAVA.

In order to meet the 45-day requirement under UOCAVA, the U.S. Virgin Islands must send the absentee ballot for the federal office to absent military and overseas voters who are registered to vote in the Virgin Islands and has requested an absentee ballot ("UOCAVA voters") no later than September 18, 2010. As we informed you yesterday, the Election System of the Virgin Islands shall send to UOCAVA voters two separate ballots. The first absentee ballot with the names of all the candidates for the office of Virgin Islands' Delegate to Congress office shall be sent to UOCAVA voters on or before September 18, 2010. After the certification of the primary elections, in which only local offices are contested, a second absentee ballot with the names of the candidates for local offices shall be sent to UOCAVA voters. The Election System of the Virgin Islands anticipates that the second ballot will be forwarded to UOCAVA voters by October 2, 2010.

During our meeting, U.S. Department of Justice representatives had no objection to our course of action and agreed that such action would resolve the issue raised in the August 27, 2010 letters to the Virgin Islands Supervisor of Elections. We hope that this formal response satisfies your concerns, and resolves all issues regarding the U.S. Virgin Islands' compliance with of the 45-day requirement set forth in Section 102(a)(8) of UOCAVA, 42 U.S.C. § 173ff-1(a)(8).

Sincerely,


 Carol Thomas-Jacobs
 Chief, Civil Division

cc: Vincent F. Frazer, Esq., Attorney General
 Raymond Williams, Chair, Board of Elections St. Croix District and Chair Joint Board of Elections
 Lorna Thomas, Chair, Board of Elections St. Thomas & St. John District
 John Abramson, Jr., Supervisor of Elections
 Terryln Smock, Esq., Assistant Attorney General

State of Wisconsin

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-cv-518
v.)	
)	
THE STATE OF WISCONSIN, et al.,)	
)	
Defendants.)	
)	
)	

CONSENT DECREE

Plaintiff United States of America ("United States") initiated this action against the State of Wisconsin (the "State"); the Wisconsin Government Accountability Board (the "G.A.B."); Judges Gordon Myse, Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, and David G. Deininger, in their official capacities as officers or members of the G.A.B.; and Kevin J. Kennedy, in his official capacity as Director and General Counsel of the G.A.B. (collectively, "Defendants"), to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. The United States' complaint alleges a violation of UOCAVA arising from certain provisions of Wisconsin law which prevent the Defendants from transmitting absentee ballots to absent uniformed services voters and overseas voters ("UOCAVA voters") by the 45th day before the November 2, 2010 Federal general election, as required by Section 102(a)(8)(A) of UOCAVA, and from the fact that the State has not obtained a hardship waiver of that requirement pursuant to Section 102(g) of UOCAVA. In particular, as a result of Wisconsin's September 14, 2010 primary election and other state laws related to certifying candidates and preparing ballots for the general election, the

State asserts that it will not be able to transmit ballots by the 45-day deadline provided in UOCAVA. Accordingly, UOCAVA voters will not be provided the time specified under Federal law to receive, mark, and submit their ballots in time to have those ballots counted in the November 2, 2010 Federal general election.

The United States and Defendants, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties share the goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 Federal general election. Accordingly, the parties have negotiated in good faith and hereby agree to the entry of this Consent Decree as an appropriate resolution of the UOCAVA claim alleged by the United States. Accordingly, the United States and Defendants stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to UOCAVA, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and this Court has jurisdiction of this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.

3. Defendant State of Wisconsin is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.

4. Defendant Wisconsin Government Accountability Board is responsible for administering election laws in the State and promulgating rules applicable to jurisdictions in the State “for the purpose of interpreting or implementing the laws regulating the conduct of elections.” WIS. STAT. § 5.05(1).

5. Defendant Judge Gordon Myse is the G.A.B.’s Chair and is sued in his official capacity. The Chair of the G.A.B. or his designee is responsible for canvassing and certifying the election returns. WIS. STAT. § 7.70(3). Defendants Judges Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Cane, and David G. Deininger are members of the G.A.B. and are sued in their official capacities.

6. Defendant Kevin J. Kennedy is sued in his official capacity as the Director and General Counsel of the G.A.B. As General Counsel of the G.A.B., Defendant Kennedy “perform[s] legal and administrative functions for the board.” WIS. STAT. § 5.05(1m). Defendant Kennedy has been designated by the G.A.B. as the Chief Election Officer for the State pursuant to WIS. STAT. § 5.05(3g).

7. Section 102(a)(8) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8).

8. States can be exempted from the requirement to transmit ballots 45 days in advance of a Federal election if they apply for, and are granted, a hardship waiver from the Presidential Designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g).

9. On August 2, 2010, the State applied for a hardship waiver pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(g). Pursuant to Section 102(g)(1)(B) of UOCAVA, the State’s

waiver application included an explanation of the hardship that made the State unable to transmit absentee ballots to UOCAVA voters at least 45 days prior to the November 2, 2010 general election for Federal office. Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State's explanation of hardship was based on the fact that Wisconsin's September 14, 2010 primary election date prevented the State from complying with Section 102(a)(8)(A). 42 U.S.C. § 1973ff-1(a)(8)(A).

10. Pursuant to Section 102(g)(1)(D) of UOCAVA, the State's August 2, 2010 waiver application also included the State's proposed comprehensive plan to ensure that all UOCAVA voters who submitted timely requests for absentee ballots would be able to receive and return such ballots in time to have those ballots counted in the November 2, 2010 general election for Federal office. The State's proposed comprehensive plan relied on: the transmission of state absentee write-in ballots to all UOCAVA voters as early as 90 days before the November 2, 2010 election, with a candidate list becoming available online 35 days before the election; permitting the electronic transmission of the official absentee ballot to UOCAVA voters who requested such transmission, and mailing official absentee ballots to all other UOCAVA voters, on October 4, 2010, 29 days before the election; and counting ballots from military voters postmarked by the date of the election and received no later than 10 days after the date of the election.

11. On August 27, 2010, the Department of Defense, pursuant to its statutory authority, issued a decision denying the State's August 2, 2010 application for a hardship waiver. That decision found that the State had shown an undue hardship under Section 102(g)(2)(B)(i), in that the State's September 14, 2010 primary election date prevented the State from complying with Section 102(a)(8)(A) of UOCAVA. The Department of Defense nonetheless denied the State's

waiver application, pursuant to Section 102(g)(2)(A), on the ground that the State's comprehensive plan did not provide UOCAVA voters sufficient time to receive, mark, and return absentee ballots in time to have those ballots counted in the November 2, 2010 Federal general election.

12. The State contends that: (a) its comprehensive plan did provide UOCAVA voters sufficient time to receive, mark, and return absentee ballots in time to have those ballots counted in the November 2, 2010 Federal general election; (b) the denial of the State's hardship waiver application was, therefore, erroneous under Section 102(g)(2) of UOCAVA; and (c) because the State should have received a hardship waiver, its inability, due to the hardship created by its September 14, 2010 primary election date, to transmit absentee ballots to UOCAVA voters at least 45 days before the November 2, 2010 Federal general election should not constitute a violation of Section 102(a)(8)(A) of UOCAVA. The United States denies these contentions.

13. The United States contends that: (a) the State's comprehensive plan did not provide UOCAVA voters sufficient time to receive, mark, and return absentee ballots in time to have those ballots counted in the November 2, 2010 Federal general election; (b) the denial of the State's hardship waiver application was, therefore, correct under Section 102(g)(2) of UOCAVA; and (c) because the State's hardship waiver application was denied, the State's inability to transmit absentee ballots to UOCAVA voters at least 45 days before the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA. The State denies these contentions.

14. Notwithstanding any disagreements between the State and the United States, a failure by the State either to obtain a hardship waiver or to transmit absentee ballots to UOCAVA voters by

the 45th day before the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA.

15. On September 14, 2010, the State will conduct a Federal primary election in which voters will select candidates for the Federal general election on November 2, 2010. The date of the September 14, 2010 primary election is 49 days prior to the November 2, 2010 general election for Federal office. Under Wisconsin law, as the post-election Canvassing process takes approximately 14 days, the list of certified candidates for the general election is not required to be available until September 28, 2010, 35 days before the November 2, 2010 general election. WIS. STAT. § 7.08(2)(c). However, the Defendants are able and agree to produce the certified candidate list on September 27, 2010, 36 days before the general election.

16. Local election officials of the State have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

17. Under Wisconsin law, local election officials are required to send official absentee ballots to UOCAVA voters by postal mail, or electronically by either email or telefacsimile, according to the request of the voter, by October 4, 2010, 29 days in advance of the November 2, 2010 Federal general election. WIS. STAT. § 7.15(1)(cm).

18. Under Wisconsin law, ballots from "military electors" must be postmarked by election day and received by a municipal clerk within ten (10) days after election day in order to be counted. WIS. STAT. § 6.221(3)(b). "Military electors" include members of a uniformed service, members of the merchant marine, civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States, peace corps

volunteers, and spouses and dependents of the above. WIS. STAT. § 6.22(1)(b). Thus, "military electors" include members of a uniformed service stationed overseas or within the United States.

19. Under Wisconsin law, ballots from overseas citizens protected by UOCAVA who do not qualify as "military electors" must be returned by election day to be counted. WIS. STAT. § 6.87(6).

20. In order to avoid the burdens, delays, and uncertainties of litigation and to efficiently and expeditiously promote the parties' shared goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 general election, the Defendants will order local election officials to transmit the official absentee ballots by postal mail, or electronically by either email or telefacsimile, according to the request of the voter, no later than October 1, 2010, 32 days before the election. To ensure that Wisconsin's UOCAVA voters will have sufficient opportunity under Federal law to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, the parties agree that this Court should enter an order extending the deadline for receipt of ballots from UOCAVA voters to 17 days after the election. Under this extension, absentee ballots from all UOCAVA voters that are executed and sent by November 2, 2010, and received by the close of business on November 19, 2010, will be accepted and tabulated in the final Federal general election results.

WHEREFORE, the parties having freely given their consent, and the terms of the Decree being fair, reasonable, and consistent with the purposes of UOCAVA, it is hereby ORDERED, ADJUDGED, AND DECREED that:

- (1) For the November 2, 2010 general election, the Defendants shall take the following steps to ensure that all UOCAVA voters are sent the

official absentee ballot for the general election no later than October 1, 2010; (a) the Defendants will certify the results of the September 14, 2010 primary election no later than September 27, 2010; (b) pursuant to WIS. STAT. § 5.06(6), the G.A.B. will order county election officials to transmit the official absentee ballots to municipal election officials no later than October 1, 2010; (c) pursuant to WIS. STAT. § 5.06(6), the G.A.B. will also order municipal election officials to transmit the official absentee ballots to UOCAVA voters by postal mail, or electronically by either email or telefacsimile, according to the request of the voter, no later than October 1, 2010, after receipt of the official absentee ballots from the county election officials; (d) in the event that any county or municipal election official fails to comply with an order issued by G.A.B. under this paragraph, the Defendants will immediately take such enforcement actions as are necessary and legally available to them to secure compliance with all such orders; and (e) for the November 2, 2010 Federal general election, the Defendants shall order local election officials pursuant to WIS. STAT. § 5.06(6) and shall take such other steps as are necessary to count as validly cast ballots in the November 2, 2010 Federal general election all those ballots, including Federal Write-in Absentee Ballots and state write-in absentee ballots, cast by absent uniformed services voters and overseas voters qualified to vote in Wisconsin pursuant to UOCAVA,

provided such ballots are executed and sent by November 2, 2010, received by November 19, 2010, and are otherwise valid.

- (2) The Defendants shall take such steps as are necessary to afford UOCAVA voters eligible to participate in the State's November 2, 2010 Federal general election a reasonable opportunity to learn of this Court's order by including a notice with every absentee ballot sent to a UOCAVA voter. The notice shall, at minimum: (a) explain that the deadline for the ballot to be executed and sent is November 2, 2010; (b) explain that the deadline for receipt of the ballot, and the hard copy of the voter's request or application for an absentee ballot if it was sent electronically, has been extended to November 19, 2010; and (c) provide appropriate contact information at the G.A.B. for assistance.
- (3) Upon the entry of this Consent Decree, the Defendants shall issue a press statement for immediate release, posted immediately on the State's election information website, and distributed to the Federal Voting Assistance Program; International Herald Tribune (<http://www.ihf.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (www.estripes.com), and any other appropriate newspaper or news media in the State of Wisconsin. The news release shall, at a minimum: (a) summarize this order, including a notice that the

deadline for receipt of the ballot has been extended to November 19, 2010; (b) identify the contests for Federal office that will be on the ballot on November 2, 2010; and (c) provide appropriate contact information at the G.A.B. for assistance.

(4) The Defendants shall provide a report to the United States Department of Justice no later than October 6, 2010, concerning the transmittal of UOCAVA absentee ballots by the local election jurisdictions. The report shall: (a) certify that absentee ballots were transmitted no later than October 1, 2010, to all qualified UOCAVA voters whose applications for ballots have been received and approved by that date; and (b) indicate, by local election jurisdiction, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof. The report shall also indicate, by local election jurisdiction, the number of requests received and the number of UOCAVA absentee ballots transmitted, and the method of transmittal thereof, on each day after October 1, 2010, through October 4, 2010.

(5) The Defendants shall file a report with the United States Department of Justice no later than December 17, 2010, concerning the number of UOCAVA absentee ballots, by local election jurisdiction, received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, by local election

jurisdiction, and categorized by “military electors” and other overseas voters:

- a. The number of absentee ballots from UOCAVA voters received before the close of the polls on November 2, 2010, and counted;
- b. The number of absentee ballots from UOCAVA voters received and counted after the close of the polls on November 2, 2010, but prior to the close of business on November 19, 2010;
- c. The number of absentee ballots from UOCAVA voters received later than the close of business on November 19, 2010; and
- d. The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt.

(6) The Defendants shall take such actions as are necessary to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including proposing legislation and taking any administrative actions needed to fully remedy the potential UOCAVA violations arising from the State's Federal primary election schedule. The parties agree to confer on the progress of these efforts, and Defendants shall provide a status

report to the United States Department of Justice by September 1,
2011.

The Court shall retain jurisdiction over this action to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree through December 31, 2010. Absent notification by the Court before that date, the clerk is directed to close this file subject to reopening upon good cause shown.

ORDERED this 14th day of September, 2010.

/s/ William Conley

William M. Conley
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-cv-518
v.)	
)	
THE STATE OF WISCONSIN; THE)	
WISCONSIN GOVERNMENT)	
ACCOUNTABILITY BOARD; THE)	
HON. GORDON MYSE, its Chair;)	
THE HONS. THOMAS BARLAND,)	
GERALD C. NICHOL, MICHAEL)	
BRENNAN, THOMAS CANE, and)	
DAVID G. DEININGER, its members;)	
and KEVIN J. KENNEDY, its Director)	
and General Counsel,)	
)	
Defendants.)	
)	

COMPLAINT

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to amendments made by the MOVE Act, UOCAVA requires that states transmit absentee ballots to UOCAVA voters at least 45 days in advance of an election for Federal office when ballot

requests have been received within 45 days of that election, unless the state receives a hardship exemption pursuant to UOCAVA. 42 U.S.C. §§ 1973ff-1(a)(8) & (g). Wisconsin sought but did not receive a hardship waiver under UOCAVA for the November 2, 2010 Federal general election.

2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and brings this enforcement action to ensure that Wisconsin's UOCAVA voters will have sufficient time to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election.

3. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.

4. Defendant State of Wisconsin (the "State") is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.

5. Defendant Wisconsin Government Accountability Board (the "G.A.B.") is responsible for administering election laws in the State and promulgating rules applicable to jurisdictions in the State "for the purpose of interpreting or implementing the laws regulating the conduct of elections." WIS. STAT. § 5.05(1).

6. Defendant Judge Gordon Myse is the G.A.B.'s Chair and is sued in his official capacity. The Chair of the G.A.B. or his designee is responsible for canvassing and certifying the election returns. WIS. STAT. § 7.70(3). Defendants Judges Thomas Barland, Gerald C. Nichol, Michael Brennan, Thomas Canc, and David G. Deininger are members of the G.A.B and are sued in their official capacities.

7. Defendant Kevin J. Kennedy is sued in his official capacity as the Director and General Counsel of the G.A.B. As General Counsel of the G.A.B., Defendant Kennedy “perform[s] legal and administrative functions for the board.” Wis. STAT. § 5.05(1m). Defendant Kennedy has been designated by the G.A.B. as the Chief Election Officer for the State pursuant to Wis. STAT. § 5.05(3g).

8. Section 102(a)(8) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8).

9. States can be exempted from the requirement to transmit ballots 45 days in advance of a federal election if they apply for, and are granted, a hardship waiver from the Presidential designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State applied for a hardship waiver on grounds that Wisconsin’s September 14, 2010 primary election prohibited the State from complying with Section 102(a)(8)(A). 42 U.S.C. §§ 1973ff-1(a)(8)(A) & (g)(2)(B)(i). On August 27, 2010, pursuant to its statutory authority, the Department of Defense denied the State’s request for a hardship exemption.

10. On September 14, 2010, the State will conduct a Federal primary election in which voters will select candidates for the Federal general election on November 2, 2010. The date of the September 14, 2010 primary election is 49 days prior to the November 2, 2010 general election for Federal office. Under Wisconsin law, as the post-election canvassing process takes approximately 14 days, the list of certified candidates for the general election is not required to

be available until September 28, 2010, 35 days before the November 2, 2010 general election.

WIS. STAT. § 7.08(2)(c).

11. Election officials of the State have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

12. Under Wisconsin law, local election jurisdictions are required to send absentee ballots to UOCAVA voters by October 4, 2010, WIS. STAT. § 7.15(1)(cm), and thus will transmit ballots 29 days in advance of the November 2, 2010 Federal general election.

13. Under Wisconsin law, ballots from "military electors" must be postmarked by election day and received by a municipal clerk within ten days after election day in order to be counted. WIS. STAT. § 6.221(3)(b). "Military electors" include members of a uniformed service, members of the merchant marine, civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States, peace corps volunteers, and spouses and dependents of the above. WIS. STAT. § 6.22(1)(b). Thus, "military electors" include members of a uniformed service stationed overseas or within the United States. With the ten-day extension, military electors would have 39 days to receive, mark, and submit their ballots.

14. Under Wisconsin law, ballots from overseas citizens who are covered under UOCAVA, but who do not qualify as "military electors," must be returned by election day to be counted. WIS. STAT. § 6.87(6). Thus, UOCAVA voters who are not "military electors" would only have 29 days to receive, mark, and submit their ballots.

15. Defendants' failure to transmit absentee ballots to UOCAVA voters 45 days in advance of the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

16. An order of this Court is necessary requiring Defendants to take corrective action in order to protect the rights granted by UOCAVA and to ensure that the State's UOCAVA voters have sufficient time to receive, mark, and submit their ballots in time to have them counted for the November 2, 2010 general election for Federal office.

WHEREFORE, Plaintiff asks this Court to hear this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. § 1345, and:

(1) Issue a declaratory judgment under 28 U.S.C. § 2201 that the failure of Wisconsin election officials to send absentee ballots to UOCAVA voters at least 45 days in advance of the November 2, 2010 general election for Federal office violates Section 102(a)(8)(A) of UOCAVA; and

(2) Issue injunctive relief ordering the Defendants, their agents and successors in office, and all persons acting in concert with them:

- (a) To take such steps as are necessary to assure that UOCAVA voters shall have sufficient time to receive, mark, and submit their ballots in time to have them counted in the November 2, 2010 general election for Federal office;
- (b) To take such steps as are necessary to afford UOCAVA voters who are eligible to participate in the State's November 2, 2010 general election for Federal office a reasonable opportunity to learn of this Court's order;
- (c) To provide a report to the United States concerning the dates ballots were transmitted and the number of UOCAVA ballots, by county, sent, received, and counted for the November 2, 2010 general election for Federal office pursuant to this Court's order within 45 days after the election; and

(d) To take such other steps as are necessary to assure that the State conducts its elections in compliance with UOCAVA in future federal elections.

The United States further asks this Court to order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

Date: September 10, 2010

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State of New York

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 1:10-CV-1214 (GLS/RFT)
v.)	
)	
STATE OF NEW YORK and NEW)	
YORK STATE BOARD OF ELECTIONS,)	
)	
Defendants.)	
)	

CONSENT DECREE

Plaintiff United States of America ("United States") initiated this action against the State of New York (the "State") and the New York State Board of Elections ("SBOE") to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. The United States' complaint alleges a violation of UOCAVA arising from Defendants' failure to transmit absentee ballots to qualified absent uniformed services voters and overseas voters ("UOCAVA voters") in accordance with the terms of the comprehensive plan set forth in New York's approved application for a waiver from UOCAVA requirements. In particular, the United States' Complaint alleges that the Defendants failed to ensure that local election officials transmitted absentee ballots to UOCAVA voters by October 1, 2010. Accordingly, some UOCAVA voters in at least thirteen New York counties will not be provided the time specified under law to receive, mark, and submit their ballots in time to have those ballots counted in the November 2, 2010 Federal general election.

The United States and Defendants, through respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties share

the goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 Federal general election. The parties have negotiated in good faith and hereby agree to the entry of this Consent Decree as an appropriate resolution of the UOCAVA claim alleged by the United States. Accordingly, the United States and Defendants stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to UOCAVA, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

2. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.

3. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and has brought this enforcement action to ensure that New York's UOCAVA voters will have sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election.

4. Defendant State of New York is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.

5. Defendant SBOE has jurisdiction of, and is responsible for, the execution and enforcement of statutes governing elections and related procedures in New York State, and as

such is responsible for the administration of State law affecting voting, and for assuring that elections in the State are conducted in accordance with law. See N.Y. ELEC. LAW §§ 3-104(1), 3-100(1), 3-102(1-17). The principal office of the SBOE is in Albany, New York.

6. The local election officials throughout New York State are responsible for complying with all New York State laws, rules, and regulations relating to the administration of the election process for the county that they represent.

7. Pursuant to amendments made by the MOVE Act, UOCAVA requires states to transmit validly-requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A). The 45th day before the November 2, 2010 Federal general election is September 18, 2010.

8. States can be exempted from the requirement to transmit ballots 45 days in advance of a Federal election if they apply for, and are granted, a hardship waiver from the Presidential designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). A hardship waiver may be granted if (1) the state submits a comprehensive plan in its application for a hardship waiver that "provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office," and (2) if the state's primary election date, legal contests causing a delay in generating ballots, or provisions of the state's constitution, make complying with the requirement that ballots be transmitted 45 days in advance of a Federal election an undue hardship. 42 U.S.C. § 1973ff-1(g)(2).

9. Where a hardship exemption is granted, UOCAVA requires that states transmit validly-requested ballots to UOCAVA voters in accordance with the provisions of the comprehensive plan upon which the hardship waiver is based. 42 U.S.C. §§ 102(a)(8)(A) & 102(g).

10. Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State of New York applied for a hardship waiver on grounds that New York's September 14, 2010 primary election prohibited the State from complying with Section 102(a)(8)(A). 42 U.S.C. §§ 1973ff-1(a)(8)(A) & (g)(2)(B)(i). Specifically, New York asserted that local election officials could not transmit absentee ballots to UOCAVA voters by September 18, 2010, the 45th day before the November 2, 2010 Federal general election.

11. Pursuant to Section 102(g)(1)(D) of UOCAVA, the State's hardship application included a comprehensive plan that outlined the steps the State would take to ensure that UOCAVA voters had time to receive, mark, and submit their ballots in time to have the ballot counted. 42 U.S.C. § 1973ff-1(g)(1)(D). New York's comprehensive plan relied on two key provisions that together created a 45-day period for UOCAVA voters to receive, mark, and submit their ballots: (1) the transmission of absentee ballots to UOCAVA voters on October 1, 2010, 32 days before the November 2, 2010 Federal general election, and (2) the deadline of November 15, 2010, 13 days after the election, for receipt of ballots from UOCAVA voters postmarked by November 1, 2010.

12. On August 27, 2010, pursuant to its statutory authority, and based on the comprehensive plan set forth in New York's waiver application, the Department of Defense granted the State's request for a hardship exemption. In its determination letter, the Department of Defense noted the waiver was based "on an understanding that the State of New York will

transmit absentee ballots for the November 2, 2010 Federal general election to UOCAVA voters no later than October 1, 2010.”

13. Despite the October 1, 2010 deadline outlined in the comprehensive plan set forth in New York’s waiver application, local election officials in New York State nonetheless failed to transmit absentee ballots for the Federal general election to UOCAVA voters by that date in at least thirteen New York counties. Election officials in those counties exceeded the October 1, 2010 deadline for transmitting UOCAVA ballots by periods ranging from four days to nine days.

14. In Kings County, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 10, 2010.

15. In New York and Queens Counties, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 9, 2010.

16. In Bronx and Erie Counties, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 8, 2010.

17. In Richmond County, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 7, 2010.

18. In Niagara, Putnam, and Westchester Counties, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 6, 2010.

19. In Onondaga County, election officials completed transmitting absentee ballots to UOCAVA voters on or around October 5, 2010.

20. Subsequent investigation by the parties has revealed that additional counties mailed their ballots after October 1, 2010, but no later than October 10, 2010, including Albany, Nassau, and Wayne Counties.

21. Local election officials in New York have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote by absentee ballot pursuant to the provisions of UOCAVA.

22. Defendants' failure to ensure that local election officials transmitted absentee ballots by October 1, 2010, as provided by the comprehensive plan in New York's waiver application, violates Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

23. Under New York law, absentee ballots from UOCAVA voters must be postmarked, or show a dated endorsement of receipt by another agency of the United States government, or in the case of military voters, signed and dated by the military voter and one witness thereto, by November 1, 2010, the day before election day, and received within thirteen days after election day in order to be counted. N.Y. ELEC. LAW § 10-114; 11-212.

24. To avoid the burdens, delays, and uncertainties of litigation and to efficiently and expeditiously promote the parties' shared goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 Federal general election, the parties agree that this Court should enter an order requiring that Defendants ensure that local election officials contact by electronic mail all UOCAVA voters for whom local election officials have electronic mail contact information to notify those voters that they may choose to receive their ballots for the November 2, 2010 Federal general election by telefacsimile, electronic mail, or in an electronic, downloadable Portable Document Format (.pdf) through the State's ballot delivery wizard, instead of by postal mail. If the local election officials lack electronic mail contact information for affected voters, but do have telefacsimile contact information for such voters, the Defendants shall ensure that local election officials provide the notification required by this paragraph by telefacsimile. Said electronic mail or telefacsimile communication with

these voters shall explain the terms of this agreement. Said communication shall also provide these voters with instructions on how to access electronically, download, and print their ballots through the State's online ballot delivery system if the voter so chooses. Said communication shall also advise all overseas uniformed services voters of the Department of Defense's program for collection and delivery of return ballots by expedited mail delivery service to local election officials.

25. To ensure that New York's UOCAVA voters will have sufficient opportunity under Federal law to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, the parties agree that this Court should enter an order providing that ballots from all UOCAVA voters qualified to vote in the State that are executed and postmarked by November 1, 2010, and received by the close of business on November 24, 2010, will be accepted and tabulated in the final general election results.

26. The parties reserve the right to modify this agreement as necessary, and to seek additional supplemental relief, if information regarding additional UOCAVA violations is discovered.

WHEREFORE, the parties having freely given their consent, and the terms of the Decree being fair, reasonable, and consistent with the requirements of UOCAVA, it is hereby ORDERED, ADJUDGED, AND DECREED that:

- (1) SBOE shall ensure that local election officials in New York State take such steps as are necessary to count as validly cast ballots in the November 2, 2010 Federal general election all those ballots, including Federal Write-in Absentee Ballots, cast by absent uniformed services voters and overseas voters qualified

to vote in the State pursuant to UOCAVA, provided such ballots are executed and postmarked or show a dated endorsement of receipt by another agency of the United States government (or in the case of military voters, are signed and dated by the military voter and one witness thereto) by November 1, 2010, received by November 24, 2010, and are otherwise valid. In the event that local election officials receive more than one ballot from a single qualified voter, the SBOE will ensure that local election officials resolve any conflicts according to existing procedures under State law.

- (2) SBOE shall ensure that local election officials contact by electronic mail all UOCAVA voters for whom local election officials have electronic mail contact information to notify those voters that they may choose to receive their ballots for the November 2, 2010 Federal general election by telefacsimile, electronic mail, or in an electronic, downloadable Portable Document Format (.pdf) through the State's ballot delivery wizard, instead of by postal mail. If the local election officials lack electronic mail contact information for affected voters, but do have telefacsimile contact information for such voters, the SBOE shall ensure that the local election officials shall provide the notification required by this paragraph by telefacsimile. Said electronic mail or telefacsimile communication with these voters shall explain the terms of this agreement. Said communication shall also provide these voters with instructions on how to access electronically, download, and print their ballots through the State's online ballot delivery system if the voter so chooses. Said communication shall also advise all uniformed services voters located overseas of the Department of Defense's program for collection and delivery of return ballots by expedited mail delivery

service to local election officials. Said communications shall be made no later than two business days after entry of this Consent Decree.

- (3) Upon entry of this Consent Decree, SBOE shall notify the Director of the Federal Voting Assistance Program of the United States Department of Defense ("FVAP") and request assistance in notifying military and other eligible voters of the relief afforded in this order, and coordinate with FVAP as necessary to facilitate such notice.
- (4) Upon the entry of this Consent Decree, SBOE shall take the following steps to endeavor to give affected voters notice of the contents of this order: (a) issue a press statement for immediate release, posted immediately on the State's election information website, and distributed as broadly and immediately as practicable to national and local wire services, to radio and television broadcast stations and to daily newspapers of general circulation in the State, including the New York City metropolitan area. The release shall also be distributed to the Federal Voting Assistance Program; the New York Times (<http://www.nytimes.com>); International Herald Tribune (<http://www.iht.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (www.estripes.com), and other appropriate news media in the State of New York. The news release shall, at a minimum: (a) summarize this order, including an explanation that the deadline for receipt of the ballot has been extended to November 24, 2010; (b) identify the contests for Federal office

that will be on the ballot on November 2, 2010; (c) notify UOCAVA voters that they may choose to receive their ballots for the November 2, 2010 Federal general election by telefacsimile, electronic mail, or in an electronic, downloadable Portable Document Format (.pdf) through the State's ballot delivery wizard, instead of by postal mail; and (d) provide appropriate contact information at the SBOE for assistance. SBOE shall also prepare and distribute written public service announcements describing this order for broadcast on radio and television networks, including but not limited to the media described above.

- (5) SBOE shall provide written certification to counsel of record for the United States that all absentee ballots validly requested by UOCAVA voters by October 1, 2010 have been transmitted; such certification shall be provided no later than three business days after the entry of this order. This certification for each county will include: (a) the number of UOCAVA absentee ballot requests received prior to September 18, 2010, between September 19, 2010 and October 1, 2010, and between October 1, 2010 and the date each county completed transmitting those ballots; (b) the number of UOCAVA absentee ballot requests, by the requested method of transmittal, for all UOCAVA absentee ballot requests received prior to the date each county completed transmitting those ballots; and (c) by date, the number of UOCAVA ballots transmitted and the method of transmittal thereof where the ballot was requested prior to the date each county completed transmitting those ballots.

(6) SBOE shall file a report with counsel of record for the United States no later than December 17, 2010, concerning the number of UOCAVA absentee ballots, by county, received and counted for the November 2, 2010 general Federal election. The report will set forth the following information, by county, categorized by absent uniformed services voters with APO/FPO addresses or non- US street addresses; uniformed services voters at a street address within the US; and overseas civilian voters:

- a. The number of absentee ballots from UOCAVA voters received by local election officials before the close of business on November 15, 2010, and counted;**
- b. The number of absentee ballots from UOCAVA voters received and counted after the close of business on November 15, 2010, but prior to the close of business on November 24, 2010;**
- c. The number of absentee ballots from UOCAVA voters received later than the close of business on November 24, 2010; and**
- d. The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt, and the reasons such ballots were not counted.**

(7) The parties acknowledge that, in the absence of a waiver from the Department of Defense, changes in state law, the state election schedule, and/or election

procedures are necessary to prevent future violations of UOCAVA. The Defendants are committed to exploring the need for future relief, including possible changes of law or administrative regulation to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, and to address potential UOCAVA violations arising from the State's Federal election schedule or election practices. The parties agree to confer on the progress of these efforts, and Defendants shall provide a status report to the United States Department of Justice by April 1, 2011.

The Court shall retain jurisdiction over this action to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree and to ensure compliance with Section 102(a)(8)(A) of UOCAVA through December 31, 2012.

The undersigned agree to entry of this Consent Decree on October 19, 2010:

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SO ORDERED this 19 day of October, 2010.

Gary L. Sharpe
United States District Judge
Gary L. Sharpe

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 1:10-CV-1214 (GLS/RFT)
v.)	
)	
STATE OF NEW YORK and THE NEW)	
YORK STATE BOARD OF ELECTIONS,)	
)	
Defendants.)	
)	
)	

COMPLAINT

The United States of America alleges:

1. This action is brought by the Attorney General of the United States ("Attorney General") on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.
2. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.
3. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and brings this enforcement action to ensure that New York's UOCAVA voters will have sufficient opportunity to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election.

4. Defendant State of New York is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.

5. Defendant New York State Board of Elections (“SBOE”) has jurisdiction of, and is responsible for, the execution and enforcement of statutes governing elections and related procedures in New York State, and as such is responsible for the administration of State law affecting voting, and for assuring that elections in the State are conducted in accordance with law. See N.Y. ELEC. LAW §§ 3-104(1), 3-100(1), 3-102(1-17). The principal office of the New York SBOE is in Albany, New York.

6. Pursuant to amendments made by the MOVE Act, UOCAVA requires states to transmit validly-requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A). The 45th day before the November 2, 2010, Federal general election is September 18, 2010.

7. States can be exempted from the requirement to transmit ballots 45 days in advance of a Federal election if they apply for, and are granted, a hardship waiver from the Presidential designee for UOCAVA, the Secretary of Defense. 42 U.S.C. § 1973ff-1(g). A hardship waiver may be granted if (1) the state submits a comprehensive plan in its application for a hardship waiver that “provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit market absentee ballots to the appropriate State election official in time to have the ballot counted in the election for Federal office,” and (2) if the state’s primary election date, a legal contest causing a delay in generating ballots, or the state’s constitution, make complying with the requirement that ballots be transmitted 45 days in advance of a Federal election an undue hardship. 42 U.S.C. § 1973ff-1(g)(2).

8. Where a hardship exemption is granted, UOCAVA requires states to transmit validly-requested ballots to UOCAVA voters in accordance with the provisions of the comprehensive plan upon which the hardship waiver is based. 42 U.S.C. §§ 102(a)(8)(A) & 102(g).

9. Pursuant to Section 102(g)(2)(B)(i) of UOCAVA, the State of New York applied for a hardship waiver on grounds that New York's September 14, 2010 primary election prohibited the State from complying with Section 102(a)(8)(A) with respect to the November 2, 2010 general election. 42 U.S.C. §§ 1973ff-1(a)(8)(A) & (g)(2)(B)(i). See Attachments A (April 23, 2010 Waiver Application) and B (June 9, 2010 Supplement to Waiver Application). Specifically, New York asserted that it could not transmit absentee ballots to UOCAVA voters by September 18, 2010, the 45th day before the November 2, 2010 federal general election.

10. Pursuant to Section 102(g)(1)(D) of UOCAVA, the State's hardship application included a comprehensive plan that outlined steps the State would take to ensure that UOCAVA voters had time to receive, mark, and submit their ballots in time to have the ballot counted. 42 U.S.C. §1973ff-1(g)(1)(D). See Attachment A at 6-8. New York's comprehensive plan included two key provisions that created a 45-day period for UOCAVA voters to receive, mark, and submit their ballots: (1) transmission of absentee ballots to UOCAVA voters on October 1, 2010, 32 days before the November 2, 2010 Federal general election and (2) extension of the deadline for receipt of ballots from UOCAVA voters postmarked by November 1, 2010, to November 15, 2010, 13 days after the November 2, 2010 Federal general election. See id. at 6.

11. On August 27, 2010, pursuant to its statutory authority, and based on the comprehensive plan set forth in New York's waiver application, the Department of Defense granted the State's request for a hardship exemption. See Attachment C (August 27, 2010 Waiver Grant). In reaching this determination, the Department of Defense noted the waiver was based "on an understanding that the

State of New York will transmit absentee ballots for the November 2, 2010 Federal general election to UOCAVA voters no later than October 1, 2010.” See Attachment C at 1.

12. Under New York law, absentee ballots from UOCAVA voters must be postmarked by November 1, 2010, the day before the November 2, 2010 general election, and received within 13 days after election day to be counted. N.Y. ELEC. LAW §§ 10-114(1) and 11-212.

13. Despite the October 1, 2010 deadline outlined in the comprehensive plan set forth in New York’s waiver application, election officials in New York State nonetheless failed to transmit absentee ballots for the Federal general election to UOCAVA voters by that date in at least nine New York counties. Election officials in those counties exceeded the October 1, 2010 deadline in the State’s waiver application for transmitting UOCAVA ballots by periods ranging from five days to nine days.

14. On information and belief, in Kings County, transmission of absentee ballots to UOCAVA voters was not completed until on or around October 10, nine days after the October 1, 2010 transmission deadline in the State’s waiver application, 22 days before the State’s postmarking deadline, 23 days before the Federal general election, and 36 days before the State’s extended deadline for receipt of UOCAVA ballots.

15. On information and belief, in New York and Queens Counties, election officials did not complete transmission of absentee ballots for UOCAVA voters until on or around October 9, eight days after the October 1, 2010 transmission deadline in the State’s waiver application, 25 days before the State postmarking deadline, 26 days before the Federal general election, and 39 days before the extended deadline for receipt of UOCAVA ballots.

16. On information and belief, in Erie and Bronx Counties, election officials did not complete transmission of absentee ballots for UOCAVA voters until on or around October 8, one week after the October 1, 2010 transmission deadline in the State’s waiver application, 24 days before the State

postmarking deadline, 25 days before the Federal general election, and 38 days before the State's extended deadline for receipt of UOCAVA ballots.

17. On information and belief, in Richmond County, election officials did not complete transmission of absentee ballots for UOCAVA voters until on or around October 7, six days after the October 1, 2010 transmission deadline in the State's waiver application, 25 days before the State's postmarking deadline, 26 days before the Federal general election, and 39 days before the State's extended deadline for receipt of UOCAVA ballots.

18. On information and belief, in Niagara, Putnam, and Westchester Counties, absentee ballots for UOCAVA voters were transmitted on or around October 6, five days after the October 1, 2010 transmission deadline in the State's waiver application, 26 days before the State postmarking deadline, 27 days before the Federal general election, and 40 days before the extended deadline for receipt of UOCAVA ballots.

19. State election officials have received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote by absentee ballot pursuant to the provisions of UOCAVA in Niagara, Putnam, Westchester, Erie, Richmond, Bronx, New York, Kings, and Queens Counties.

20. Defendants' failure to ensure that election officials in Niagara, Putnam, Westchester, Erie, Richmond, Bronx, New York, Kings, and Queens Counties transmitted absentee ballots by October 1, 2010, as provided by the comprehensive plan in New York's waiver application, violates Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

21. An order of this Court is necessary requiring Defendants to take corrective action to protect rights granted by UOCAVA and to ensure that the State's affected UOCAVA voters have sufficient time to receive, mark, and submit their ballots in time to have them counted for the November 2, 2010 general election for Federal office.

WHEREFORE, Plaintiff asks this Court to hear this action pursuant to 42 U.S.C. §1973ff-4 and 28 U.S.C. § 1345, and:

- (1) Issue a declaratory judgment under 28 U.S.C. § 2201 that the Defendants violated Section 102(a)(8)(A) of UOCAVA by failing to ensure that election officials in Niagara, Putnam, Westchester, Erie, Richmond, Bronx, New York, Kings, and Queens Counties transmitted absentee ballots by October 1, 2010, as provided by the comprehensive plan in New York's waiver application; and
- (2) Issue injunctive relief ordering the Defendants, their agents and successors in office, and all persons acting in concert with them:
 - (a) To take such steps as are necessary to assure that UOCAVA voters shall have sufficient time to receive, mark, and submit their ballots in time to have them counted in the November 2, 2010 general election for Federal office;
 - (b) To take such steps as are necessary to afford affected UOCAVA voters who are eligible to participate in the State's November 2, 2010 general election for Federal office a reasonable opportunity to learn of this Court's order;
 - (c) To take such steps as are necessary to assure that the certification schedule for the November 2, 2010 general election for Federal office be adjusted as necessary to permit affected UOCAVA voters sufficient time to receive, mark, and submit their ballots in time to have them counted;
 - (d) To report to the United States concerning the dates ballots were transmitted and the number of UOCAVA ballots, by county, sent, received, and counted for the November 2, 2010 general election for Federal office pursuant to this Court's order within 45 days after the election; and

- (e) To take such other steps as are necessary to assure that the State conducts all of its future Federal elections in full compliance with UOCAVA.

The United States further asks this Court to order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

Date: October 12, 2010

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Territory of Guam

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

UNITED STATES OF AMERICA,

CIVIL CASE NO. 10-00025

Plaintiff,

vs.

GOVERNMENT OF GUAM; THE GUAM
ELECTION COMMISSION; and JOHN F.
BLAS, its Executive Director, in his official
capacity,

**ORDER GRANTING UNITED
STATES DECLARATORY
AND PERMANENT INJUNCTIVE
RELIEF**

Defendants.

This matter comes before the court on the United States' Motion for Temporary Restraining Order and Preliminary Injunction and the trial on the merits.¹ After reviewing the Motion and hearing from both parties, the court declares that the Defendants violated Sections 102(a)(8)(A) and 102(f)(1) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA), as amended by the Military and Overseas Voter Empowerment Act, and hereby ORDERS that:

- (1) To ensure that Guam's UOCAVA voters will have the option to receive an absentee ballot by electronic transmission for the November 2, 2010 Federal general election, the Defendants shall take the

¹ On October 8, 2010, pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure, the court consolidated the trial on the merits with the preliminary injunction hearing. See Docket No. 15.

1 following actions: (a) The Defendants shall establish email as Guam's
2 electronic transmission option for UOCAVA voters; (b) The
3 Defendants shall contact each UOCAVA voter by email for those
4 voters for whom they have email addresses on file and by telephone
5 for all other UOCAVA voters for whom they have telephonic contact
6 information on file, and inform each UOCAVA voter of the option to
7 request to receive an absentee ballot by email transmission, and
8 provide electronic email and cost-free telephonic contact information
9 to such voters so that those voters may make the request to the Guam
10 Election Commission; and (c) The Defendants shall promptly transmit
11 an absentee ballot by email to all UOCAVA voters who request it as
12 provided above.

13 (2) To ensure that Guam's UOCAVA voters will have sufficient
14 opportunity under Federal law to receive absentee ballots they have
15 requested and submit marked absentee ballots in time to be counted for
16 the November 2, 2010 Federal general election, Defendants shall count
17 as validly cast ballots in the November 2, 2010 Federal general
18 election all those ballots cast by absent uniformed services voters and
19 overseas voters qualified to vote in Guam pursuant to UOCAVA,
20 including ballots that were transmitted to the voter by email and
21 Federal Write-in Absentee Ballots, provided such ballots are executed
22 and sent by November 2, 2010, received by November 15, 2010, and
23 are otherwise valid.
24

1 (3) To ensure that UOCAVA voters who received a ballot by mail and by
2 email will have their ballot validly counted, the Defendants shall
3 establish a procedure providing which ballot shall be counted if both
4 ballots are returned, and notify all UOCAVA voters of these rules.

5 (4) The Defendants shall take such steps as are necessary to afford
6 UOCAVA voters eligible to participate in Guam's November 2, 2010
7 Federal general election a reasonable opportunity to learn of this
8 Court's order by sending a notice to every UOCAVA voter.
9 Defendants shall provide the notice by email or telephonically if such
10 information is available. The notice shall, at minimum: (a) explain
11 that the deadline for the ballot to be executed and sent is November 2,
12 2010; (b) explain that the deadline for receipt of the ballot has been
13 extended to November 15, 2010; (c) explain the rules for counting the
14 ballots referenced in the preceding paragraph; and (d) provide
15 appropriate contact information at the Guam Election Commission for
16 assistance.

17 (5) Upon the entry of this Order, the Defendants shall issue a press
18 statement for immediate release, posted immediately on Guam's
19 election information website, and distributed to the Federal Voting
20 Assistance Program; International Herald Tribune
21 (<http://www.ihf.com>); USA Today International
22 (<http://www.usatoday.com>); Military Times Media Group
23 (cvinch@militarytimes.com); Overseas Vote Foundation
24 (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes

1 (www.estripes.com); and any other appropriate newspaper or news
2 media in Guam. The news release shall, at a minimum: (a) announce
3 that UOCAVA voters may request to receive their absentee ballots by
4 email and explain how such a request should be made; (b) summarize
5 this order, including a notice that the deadline for receipt of the ballot
6 has been extended to November 15, 2010; and (c) provide appropriate
7 contact information at the Guam Election Commission for assistance.

8 (6) The Defendants shall provide a report to the United States Department
9 of Justice no later than three business days following entry of this
10 order concerning the transmittal of UOCAVA absentee ballots. The
11 report shall (a) certify that absentee ballots were transmitted no later
12 than October 1, 2010 to all qualified UOCAVA voters whose
13 applications for ballots have been received and approved by that date;
14 and (b) indicate the number of requests received and the number of
15 UOCAVA absentee ballots transmitted, and the method of transmittal
16 thereof.

17 (7) The Defendants shall file a report with this Court no later than
18 December 17, 2010 concerning the number of UOCAVA absentee
19 ballots received and counted for the November 2, 2010 general
20 election for Federal office. The report will set forth the following
21 information, categorized by uniformed services overseas voters,
22 uniformed services voters within the United States, and overseas
23 civilian voters:
24

1 a. The number of absentee ballots from UOCAVA voters
2 received before the close of the polls on November 2, 2010 and
3 counted;

4 b. The number of absentee ballots from UOCAVA voters
5 received and counted after the close of the polls on November
6 2, 2010 but prior to the close of business on November 15,
7 2010;

8 c. The number of absentee ballots from UOCAVA voters
9 received later than the close of business on November 15,
10 2010; and

11 d. The number of absentee ballots from UOCAVA voters
12 that were not counted in the general election for Federal office,
13 for reasons other than late receipt.

14 (8) The Defendants shall take such actions as are necessary to assure
15 that UOCAVA voters shall have a fair and reasonable opportunity
16 to participate in future Federal elections, including proposing
17 legislation and taking any administrative actions needed to fully
18 remedy the potential future UOCAVA violations arising from
19 Guam's election schedule and practices. The parties agree to
20 confer on the progress of these efforts, and Defendants shall
21 provide a status report to the United States by March 31, 2011.

22 The Court shall retain jurisdiction over this action through December 31, 2012 to enter
23 such further relief as may be necessary for the effectuation of the terms of this Order and to enter
24 such relief as may be necessary to abate any UOCAVA violation with respect to future Federal

1 elections caused by Guam's election practices.

2 This order shall apply exclusively to federal elections conducted on Guam and shall not
3 be construed to have any bearing upon Guam's local elections for local offices.

4 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Oct 13, 2010

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13 Attorneys for the United States of America

14 IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 vs.

19 GOVERNMENT OF GUAM; THE GUAM
ELECTION COMMISSION; and JOHN F.
20 BLAS, its Executive Director, in his official
capacity,

21 Defendants.

FILED
DISTRICT COURT OF GUAM

OCT 06 2010

JEANNE G. GUMMATA
CLERK OF COURT

10-00025

CIVIL CASE NO.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF UNDER THE
UNIFORMED AND OVERSEAS
CITIZENS ABSENTEE VOTING ACT

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1 The United States of America alleges:

2 1. This action is brought by the Attorney General on behalf of the United States pursuant to
 3 the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff
 4 to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No.
 5 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA
 6 provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be
 7 permitted "to use absentee registration procedures and to vote by absentee ballot in general,
 8 special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to
 9 amendments made by the MOVE Act, UOCAVA requires that states transmit absentee ballots to
 10 UOCAVA voters at least 45 days in advance of an election for Federal office when ballot
 11 requests have been received within 45 days of that election, unless the state receives a hardship
 12 exemption pursuant to UOCAVA. 42 U.S.C. §§ 1973ff-1(a)(8)(A) & (g). The definition of
 13 "state" includes Guam. 42 U.S.C. § 1973ff-6. Guam neither sought nor received a hardship
 14 waiver under UOCAVA for the November 2, 2010 Federal general election.

15 JURISDICTION

16 2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C.
 17 § 1973ff-4, and brings this enforcement action to ensure that Guam's UOCAVA voters will have
 18 sufficient opportunity to receive absentee ballots they have requested and submit marked
 19 absentee ballots in time to be counted for the November 2, 2010 Federal general election.
 20 3. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and
 21 2201.

22 DEFENDANTS

23 4. Defendant Government of Guam is responsible for complying with UOCAVA, and
 24 ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with

1 its terms. 42 U.S.C. §§ 1973ff-1 & 1973ff-6.

2 5. Defendant Guam Election Commission is responsible for administering election laws in
3 Guam and promulgating rules necessary to "carry out the provisions of the" election code. 3
4 GUAM CODE ANN. § 2103(d). The Commission has "direct and immediate supervision" over
5 local election officials "designated in accordance with the laws of Guam to perform duties
6 relative to the conduct of elections." 3 GUAM CODE ANN. § 2103(a). The Commission is
7 responsible for the certification of election returns. 3 GUAM CODE ANN. § 11123.

8 6. Defendant John F. Blas is the Executive Director of the Commission and is sued in his
9 official capacity. He was appointed by the Commission to "administer the election law of
10 Guam" and to "perform and discharge all of the powers, duties, purposes, functions and
11 jurisdiction . . . vested in the Commission in accordance with the rules of the Commission." 3
12 GUAM CODE ANN. § 2102(a). The Executive Director is the Secretary of the Commission. 3
13 GUAM CODE ANN. § 2102(b).

14 CAUSE OF ACTION

15 7. Section 102(a)(8)(A) of UOCAVA requires that states transmit validly requested ballots
16 to UOCAVA voters not later than 45 days before an election for Federal office when the request
17 is received at least 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8)(A). Section 102(f)(1)
18 of UOCAVA requires that states establish procedures for at least one method of electronic
19 transmission of blank ballots to UOCAVA voters who opt for electronic transmission. 42 U.S.C.
20 § 1973ff-1(f)(1).

21 8. Election officials of Guam have received timely requests for absentee ballots for the
22 November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the
23 provisions of UOCAVA.

24

1 9. The 45th day before the November 2, 2010 Federal general election was September 18.
 2 2010. Upon information and belief, Guam election officials did not complete transmission of all
 3 ballots to UOCAVA voters sooner than October 1, 2010, 32 days before the November 2, 2010
 4 Federal general election.

5 10. Under Guam law, ballots from UOCAVA voters must be received by the close of polls
 6 on election day to be counted. 3 GUAM CODE ANN. §§ 10115 & 10118.

7 11. Guam election officials did not offer any UOCAVA voters the option of choosing to
 8 have their blank ballots transmitted to them electronically until on or around September 24,
 9 2010.

10 12. Defendants' failure to transmit absentee ballots to UOCAVA voters 45 days in advance
 11 of the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A)
 12 of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

13 13. Defendants' failure to timely offer an option of electronic transmission of blank ballots
 14 to UOCAVA voters constitutes a violation of Section 102(f)(1) of UOCAVA. 42 U.S.C.
 15 § 1973ff-1(f)(1).

16 14. An order of this Court is necessary requiring Defendants to take corrective action in order
 17 to protect the rights granted by UOCAVA and to ensure that Guam's UOCAVA voters have
 18 sufficient opportunity to receive, mark, and submit their ballots in time to have them counted for
 19 the November 2, 2010 general election for Federal office.

20 PRAYER FOR RELIEF

21 WHEREFORE, Plaintiff asks this Court to hear this action pursuant to 42 U.S.C.
 22 § 1973ff-4 and 28 U.S.C. § 1345, and:

23 (1) Issue a declaratory judgment under 28 U.S.C. § 2201 that the failure of Guam election
 24 officials to send absentee ballots to UOCAVA voters at least 45 days in advance of the

1 November 2, 2010 general election for Federal office and to timely offer an option of electronic
2 transmission of absentee ballots to UOCAVA voters violates Sections 102(a)(8)(A) and
3 102(f)(1) of UOCAVA; and

4 (2) Issue injunctive relief ordering the Defendants, their agents and successors in office,
5 and all persons acting in concert with them:

6 (a) To take such steps as are necessary to assure that UOCAVA voters shall have
7 sufficient opportunity to receive, mark, and submit their ballots in time to
8 have them counted in the November 2, 2010 general election for Federal
9 office;

10 (b) To take such steps as are necessary to assure that UOCAVA voters shall have
11 the opportunity to choose to have their blank absentee ballots transmitted to
12 them electronically;

13 (c) To take such steps as are necessary to afford UOCAVA voters who are
14 eligible to participate in Guam's November 2, 2010 general election for
15 Federal office a reasonable opportunity to learn of this Court's order;

16 (d) To provide a report to the United States concerning the transmission, receipt,
17 and counting of ballots for the November 2, 2010 general election for Federal
18 office pursuant to this Court's order within 45 days after the election; and

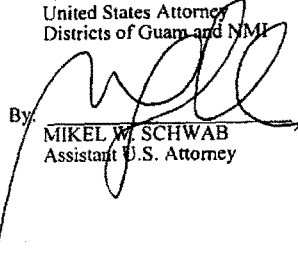
19 (e) To take such other steps as are necessary to assure that Guam conducts its
20 elections in compliance with UOCAVA in future federal elections.

21 The United States further asks this Court to order such other relief as the interests of
22 justice may require, together with the costs and disbursements of this action.

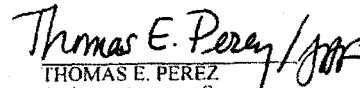
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DATED: October 6, 2010

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Districts of Guam and NMI

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State of Illinois

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-cv-06800
v.	)	Judge: Hibbler
)	
THE STATE OF ILLINOIS;)	
THE ILLINOIS STATE BOARD OF)	
ELECTIONS; and DANIEL WHITE,)	
Executive Director of the Illinois State)	
Board of Elections,)	
)	
Defendants.)	
)	

CONSENT DECREE

Plaintiff United States of America initiated this action against the State of Illinois, the Illinois State Board of Elections, and Daniel White, the Executive Director of the Illinois State Board of Elections, in his official capacity (collectively, "Defendants"), to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. The United States alleges violations of UOCAVA arising from the failure to (1) transmit absentee ballots to absent uniformed services voters and overseas voters ("UOCAVA voters") from at least 35 Illinois counties by the 45th day before the November 2, 2010 Federal general election; and (2) transmit absentee ballots by electronic means to some UOCAVA voters who requested electronic delivery of their ballots. Absent corrective action, some UOCAVA voters from Illinois will be denied the right granted by Federal law to receive their ballots electronically and will not be provided the time specified under Federal law to receive, mark, and submit their ballots in time to have those ballots counted in the November 2, 2010 Federal general election.

The United States and Defendants, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties share the goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 Federal general election. The parties have negotiated in good faith and hereby agree to the entry of this Consent Decree as an appropriate resolution of the UOCAVA violations alleged by the United States. Accordingly, the United States and Defendants stipulate and agree that:

1. This action is brought by the U.S. Attorney General on behalf of the United States pursuant to UOCAVA, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that UOCAVA voters shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.
2. The U.S. Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and this Court has jurisdiction of this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.
3. UOCAVA requires the State of Illinois (and therefore, by operation of state law, each of its 110 election authorities, which administer the State's election laws in their respective jurisdictions) to comply with UOCAVA and to ensure that validly requested absentee ballots are transmitted to UOCAVA voters in accordance with the statute's requirements. 42 U.S.C. §§ 1973ff-1 & 1973ff-6. Defendant Illinois State Board of Elections ("Board") is the state body with general supervisory powers over the administration of election laws in Illinois and is comprised of eight members appointed by the Governor. 10 ILCS 5/1A-1. Election authorities

are the elected offices of the county clerk or a Board of Election Commissioners, which is appointed by the Circuit Court in the respective jurisdictions and are responsible for the conduct of the elections, including the administration of absentee voting in their respective jurisdictions. 10 ILCS 5/1-1 et seq. Daniel White is the Executive Director of the Illinois State Board of Elections and is sued in his official capacity.

4. Pursuant to amendments made by the MOVE Act, Section 102(a)(8)(A) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A). Illinois did not seek or obtain a hardship exemption for the November 2, 2010 election.

5. Illinois election authorities received requests for absentee ballots on or before the 45th day prior to the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

6. The deadline for transmission of absentee ballots to UOCAVA voters who had requested them at least 45 days before the November 2, 2010 general election for Federal office was September 18, 2010.

7. Under Illinois law, ballots from UOCAVA voters postmarked by midnight on the day before the election will be counted if received by the 14th day following election day. See 10 Ill. Comp. Stat. 5/20-2; 10 Ill. Comp. Stat. 5/20-2.1. For the November 2, 2010 Federal general election, ballots from UOCAVA voters must be postmarked by November 1, 2010 and received by November 16, 2010 in order to be counted.

8. Election authorities in at least 35 Illinois election jurisdictions did not transmit ballots by September 18, 2010 to the UOCAVA voters in those election jurisdictions who requested ballots by that date. Three counties (Boone, Jersey, and St. Clair) transmitted ballots to such voters on October 4, 2010, 16 days late. Two counties (Hancock and Schuyler) transmitted ballots to such voters on October 5, 2010, 17 days late. One county (Massac) transmitted ballots to such voters on October 8, 2010, 20 days late. The other 29 counties transmitted ballots to such voters between 2 and 12 days late; between September 20 and September 30, 2010.

9. The failure to transmit absentee ballots to UOCAVA voters who requested them by the 45th day before the November 2, 2010 Federal general election (September 18, 2010), constitutes a violation of Section 102(a)(8)(A) of UOCAVA, 42 U.S.C. § 1973ff-1(a)(8)(A).

10. Pursuant to amendments made by the MOVE Act, UOCAVA requires that states permit UOCAVA voters to designate whether they prefer their ballots to be transmitted by mail or electronically and then to transmit ballots according to the voter's preferred method. 42 U.S.C. §§ 1973ff-1(a)(7), 1973ff-1(f)(1).

11. Some Illinois election authorities did not transmit absentee ballots by electronic means to UOCAVA voters who timely requested electronic delivery of their ballots, and instead sent such ballots to voters by postal mail. Accordingly, some Illinois UOCAVA voters have not yet received absentee ballots electronically for the November 2, 2010 Federal general election.

12. The failure to transmit absentee ballots to UOCAVA voters in accordance with the voters' requested method of electronic delivery for the November 2, 2010 Federal general election constitutes a violation of Sections 102(a)(7) and 102(f)(1) of UOCAVA. 42 U.S.C. §§ 1973ff-1(a)(7), 1973ff-1(f)(1).

13. To ensure that Illinois's UOCAVA voters will have sufficient opportunity under federal law to receive the absentee ballots they have requested (and by the delivery method requested), and to submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, the parties agree that this Court should enter an order that (a) requires that all UOCAVA voters who properly requested but did not receive transmission of their ballots electronically be provided that opportunity immediately, (b) extends the deadline for receipt of ballots for UOCAVA voters in Boone, Jersey, and St. Clair Counties to November 18, 2010, and for UOCAVA voters in Hancock, Massac, and Schuyler Counties to November 19, 2010; and (c) extends the deadline by which ballots must be postmarked in order to be counted to November 2, 2010 for Boone, Jersey, St. Clair, Hancock, Massac, and Schuyler counties.

14. The parties reserve the right to modify this agreement as necessary, and to seek additional supplemental relief, if information regarding additional UOCAVA violations is discovered.

WHEREFORE, the parties having given their consent, and the terms of the Decree being fair, reasonable, and consistent with the requirements of UOCAVA, it is hereby ORDERED, ADJUDGED, and DECREED by the Court that:

- (1) Defendants shall, upon entry of this decree, order the pertinent election authorities to ensure that all UOCAVA voters who requested to receive their ballots electronically for the November 2, 2010 Federal general election are transmitted their ballot immediately, within one business day of entry of this decree, by the requested electronic method. The information provided with the ballot shall include appropriate instructions explaining the ballot return deadlines and the

option and procedures for returning the ballot in order for it to be counted, including the procedures adopted in paragraph (2) below.

- (2) To ensure that UOCAVA voters who return multiple ballots (by virtue of having received a ballot by mail and electronically) will have their ballot counted, Defendants shall order election authorities to count the ballot that was mailed to the voter. Defendants shall order election authorities to notify all affected UOCAVA voters of this procedure.
- (3) To ensure that Illinois's UOCAVA voters will have sufficient opportunity under Federal law to receive absentee ballots they have requested, and to submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, Defendants shall order election authorities to count as validly cast ballots in the November 2, 2010 Federal general election all ballots, including Federal Write-In Absentee Ballots, (a) cast by UOCAVA voters from Boone, Jersey, and St. Clair Counties, provided such ballots are postmarked on or before November 2, 2010, received by November 18, 2010, and are otherwise valid; and (b) cast by UOCAVA voters from Hancock, Massac, and Schuyler Counties, provided such ballots are postmarked on or before November 2, 2010, received by November 19, 2010, and are otherwise valid;
- (4) Defendants shall order Massac County's election authority to contact each of Massac County's UOCAVA voters who has not yet returned

his or her ballot and provide those voters with a pre-paid, express means of returning their ballots.

- (5) Upon entry of the decree, Defendants shall order all Illinois election authorities to certify that they transmitted ballots to all qualified UOCAVA voters in accordance with UOCAVA's terms.
 - a) Should Defendants learn that any additional properly and timely requested UOCAVA ballot for the November 2, 2010 Federal general election was not transmitted, they shall immediately order the election authority in question to transmit the ballot to the UOCAVA voter electronically or by express mail delivery (as the voter chooses) and ensure that the voter is provided a pre-paid, express method of returning the ballot. Defendants shall order the election authorities to ensure that these ballots are counted as validly cast ballots in the November 2, 2010 Federal general election, provided such ballots are postmarked on or before November 2, 2010, received by November 19, 2010, and are otherwise valid; and
 - b) Should Defendants learn that any additional properly and timely requested UOCAVA ballot for the November 2, 2010 Federal general election was transmitted after October 6, 2010, and was transmitted more than two days after the request, they shall order the election authority to immediately contact the voter to offer them a pre-paid, express method of returning the ballot.

Defendants shall order the election authorities to ensure that these ballots are counted as validly cast ballots in the November 2, 2010 Federal general election, provided such ballots are postmarked on or before November 2, 2010, received by November 19, 2010, and are otherwise valid.

Defendants shall promptly notify counsel for the United States of any actions taken in accordance with this paragraph.

- (6) For purposes of this Decree, postmark shall include the date contained on the express mail delivery packaging for ballots returned by express mail delivery (or absent a postmark, the date inserted on the certification, as provided in 10 ILCS 5/20-8(c)).
- (7) To provide an opportunity for UOCAVA voters to learn of this Court's order, upon the entry of this Consent Decree, Defendants shall (a) order the election authorities to notify by email, telephone, or fax all affected voters in Boone, Jersey, St. Clair, Hancock, Massac, and Schuyler Counties for whom they have such contact information of the appropriate deadline and procedures for returning their ballots; and (b) issue for immediate release a press statement, agreed upon by the parties and filed with this Court within one day of entry of this order. Defendants shall post the release immediately on Illinois's State Board of Elections website and order the election authorities to post it on each of the affected county websites, if maintained by such county. Defendants shall distribute the release to the Federal Voting

Assistance Program; International Herald Tribune
(<http://www.ihf.com>); USA Today International
(<http://www.usatoday.com>); Military Times Media Group
(cvinch@militarytimes.com); Overseas Vote Foundation
(<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes
(www.estripes.com); and any other Illinois newspaper or news media
Defendants choose.

- (8) Defendants shall order the affected election authorities to provide a written certification to the Board that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested; such certification shall be provided no later than three business days after the entry of this order. Defendants shall order each election authority to include, in its certification: (a) the number of UOCAVA absentee ballot requests received by September 18, 2010, between September 19, 2010 and October 3, 2010, and between October 3, 2010 and the date each county completed transmitting those ballots; (b) the number of UOCAVA absentee ballot requests, by the requested method of transmittal, for all UOCAVA absentee ballot requests received prior to the date each county completed transmitting those ballots; and (c) by date, the number of UOCAVA ballots transmitted and the method of transmittal thereof. The Board shall file such certifications with this Court within 4 business day after entry of this order.

(9) No later than 3 business days after entry of this order, the Board shall order the affected election authorities to provide written certification to the Board indicating (a) when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots, and (b) when and by what means the UOCAVA voters in Massac County were provided with a pre-paid, express means of returning their ballots. The Board shall file such certifications with this Court no later than 4 business day after entry of this order.

(10) Defendants shall order the election authorities to provide the Board, by no later than December 10, 2010, written certification of the following information, categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters:

- a. The number of absentee ballots from UOCAVA voters received by each election jurisdiction before the close of the polls on November 2, 2010 and counted;
- b. The number of absentee ballots from UOCAVA voters received by each election jurisdiction after the close of polls on November 2, 2010, but prior to the close of business on November 16, 2010 and counted;
- c. The number of absentee ballots from the affected UOCAVA voters in Boone, Jersey, and St. Clair Counties received and counted after the expiration of the deadline for

receipt of absentee ballots on November 16, 2010 but prior to the close of business on November 18, 2010, broken down by county;

d. The number of absentee ballots from the affected UOCAVA voters in Hancock, Massac, and Schuyler Counties received and counted after the expiration of the deadline for receipt of absentee ballots on November 16, 2010 but prior to the close of business on November 19, 2010, broken down by county;

e. The number of absentee ballots from the affected UOCAVA voters in Boone, Jersey, and St. Clair Counties received by each county later than the close of business on November 18, 2010;

f. The number of absentee ballots from the affected UOCAVA voters in Hancock, Massac, and Schuyler Counties received by each county later than the close of business on November 19, 2010;

g. The number of absentee ballots from UOCAVA voters received by each election jurisdiction that were not counted in the general election for Federal office, for reasons other than late receipt, and the reasons such ballots were not counted.

The Board shall file such certifications with this Court by December 17, 2010.

- (11) The Defendants shall take all reasonable steps necessary to provide UOCAVA voters a fair and reasonable opportunity to participate in future Federal elections, including ordering the election authorities to alter their election practices. The Defendants shall undertake an investigation to determine the cause of the violation of UOCAVA, which may include ordering the election authorities to determine the cause of the late mailed ballots and failure to transmit ballots electronically in accordance with UOCAVA voters' requests, and report such findings to the Board. The Defendants shall take any administrative or other actions, including recommending legislation, needed to prevent future UOCAVA violations. The parties shall confer on the progress of these efforts and Defendants shall provide a status report to the United States by March 15, 2011.
- (12) The Election Assistance Commission having advised Defendants that it is permissible to use funds available from the Federal Help America Vote Act to pay for postage costs associated with express mail delivery of UOCAVA ballots, the State Board of Elections shall use such funds for that purpose.
- (13) The Defendants shall take all reasonable steps necessary to ensure that Illinois election authorities comply with the requirements of this Consent Decree, including formal and

informal follow-up action and directives and any necessary legal action.

(14) In the event an election authority fails to comply with any requirement of this Consent Decree, including any required Board order, any party may seek relief from this Court to compel compliance by the election authorities and any other relief deemed appropriate.

(15) Nothing in this consent decree shall be construed to amend or modify the order entered by the U.S. District Court, Northern District of Illinois on August 2, 2010 in *Judge v. Quinn*, No. 09 C 1231.

The Court shall retain jurisdiction over this action through December 31, 2012 to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree and to enter such relief as may be necessary to abate any UOCAVA violation with respect to future Federal elections.

Date: October 22, 2010

The undersigned agree to entry of this Consent Decree.

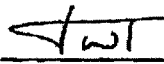
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For the Defendants:


State Board of Elections

By: 
 Title: Executive Director
 Date: October 21, 2010

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SO ORDERED this 21st day of OCTOBER, 2010.


 United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No.
v.)	
)	
THE STATE OF ILLINOIS;)	
THE ILLINOIS STATE BOARD OF)	
ELECTIONS; and DANIEL WHITE,)	
Executive Director of the Illinois State)	
Board of Elections,)	
)	
Defendants.)	
)	
)	

COMPLAINT

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA requires that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.
2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and brings this enforcement action to ensure that Illinois's UOCAVA voters have sufficient opportunity to receive absentee ballots they have requested in accordance with federal

law and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election.

3. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.

4. Defendant State of Illinois is responsible for complying with UOCAVA and ensuring that validly requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. §§ 1973ff-1, 1973ff-6.

5. Defendant Illinois State Board of Elections is the state body with general supervisory powers over the administration of election laws in Illinois. 10 Ill. Comp. Stat. 5/1A-1. As such, the Illinois State Board of Elections is responsible for Illinois's compliance with UOCAVA.

6. Daniel White is the Executive Director of the Illinois State Board of Elections and is sued in his official capacity.

7. Pursuant to amendments made by the MOVE Act, Section 102(a)(8)(A) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8). Illinois did not seek or obtain a hardship exemption for the November 2, 2010 election.

8. Illinois election officials received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

9. The 45th day before the November 2, 2010 Federal general election was September 18, 2010.

10. Under Illinois law, ballots from UOCAVA voters postmarked by midnight on the day before the election will be counted if received by the 14th day following election day. *See* 10 Ill. Comp. Stat. 5/20-2; 10 Ill. Comp. Stat. 5/20-2.1. For the November 2, 2010 Federal general election, ballots from UOCAVA voters must be postmarked by November 1, 2010 and received by November 16, 2010.

11. Despite the September 18, 2010 deadline mandated by federal law, election officials in at least 35 Illinois counties nonetheless failed to transmit ballots by September 18, 2010 to the UOCAVA voters in those counties who validly requested ballots by that date. Upon information and belief, 29 of those counties transmitted ballots between 2 and 12 days late, between September 20 and September 30, 2010. Three counties transmitted ballots on October 4, 2010, 16 days late. Two counties transmitted ballots on October 5, 2010, 17 days late. One county transmitted ballots on October 8, 2010, 20 days late.

12. Defendants' failure to transmit absentee ballots at least 45 days in advance of the November 2, 2010 Federal general election to Illinois's UOCAVA voters who had requested ballots by that date constitutes a violation of Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

13. Pursuant to amendments made by the MOVE Act, UOCAVA requires that states permit UOCAVA voters to designate whether they prefer their ballots be transmitted by mail or electronically and then transmit ballots according to the voter's preferred method. 42 U.S.C. §§ 1973ff-1(a)(7), 1973ff-1(f)(1).

14. Upon information and belief, some Illinois counties did not transmit absentee ballots by electronic means to UOCAVA voters who timely requested electronic delivery of their ballots, and instead sent such ballots to voters by postal mail. Accordingly, some Illinois UOCAVA

voters were not permitted to receive absentee ballots electronically for the November 2, 2010 election.

15. Defendants' failure to transmit absentee ballots to UOCAVA voters in accordance with the voters' requested method of electronic delivery for the November 2, 2010 Federal general election constitutes a violation of Sections 102(a)(7) and 102(f)(1) of UOCAVA. 42 U.S.C. §§ 1973ff-1(a)(7), 1973ff-1(f)(1).

16. An order of this Court is necessary to require Defendants to take corrective action in order to protect the rights granted by UOCAVA and to ensure that Illinois's UOCAVA voters have sufficient opportunity to receive, mark, and submit their ballots in time to have them counted for the November 2, 2010 general election for Federal office.

WHEREFORE, Plaintiff asks this Court to hear this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. § 1345, and:

(1) Issue a declaratory judgment under 28 U.S.C. § 2201 that the failure of Illinois election officials to transmit absentee ballots to UOCAVA voters at least 45 days in advance of the November 2, 2010 general election for Federal office and to transmit absentee ballots electronically when so requested violates Sections 102(a)(8)(A), 102(a)(7), and 102(f)(1) of UOCAVA; and

(2) Issue injunctive relief ordering the Defendants, their agents and successors in office, and all persons acting in concert with them:

(a) To immediately take such steps as are necessary to ensure that UOCAVA voters who requested electronic delivery of their ballots for the November 2, 2010 general election for Federal office have the opportunity to receive a ballot by their preferred method of delivery;

- (b) To take such steps as are necessary to ensure that UOCAVA voters have sufficient opportunity to receive, mark, and submit their ballots in time to have them counted in the November 2, 2010 general election for Federal office;
- (c) To take such steps as are necessary to afford UOCAVA voters who are eligible to participate in Illinois's November 2, 2010 general election for Federal office a reasonable opportunity to learn of this Court's order;
- (d) To provide reports concerning the transmission, receipt, and counting of ballots for the November 2, 2010 general election for Federal office pursuant to this Court's order; and
- (e) To take such other steps as are necessary to ensure that Illinois conducts its elections in compliance with UOCAVA in future federal elections.

The United States further asks this Court to order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

Date: October 22, 2010

Respectfully submitted,

ERIC H. HOLDER, JR.
Attorney General

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Northern District of Illinois

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State of New Mexico

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-cv-968
v.)	
)	
THE STATE OF NEW MEXICO and)	
NEW MEXICO SECRETARY OF STATE)	
MARY HERRERA, in her official capacity,)	
)	
Defendants.)	
)	
_____)	

CONSENT DECREE

Plaintiff United States of America ("United States") initiated this action against Defendants to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. The United States' Complaint alleges a violation of UOCAVA arising from the Defendants' acknowledgement that absentee ballots from at least six New Mexico counties—Curry, Los Alamos, McKinley, Rio Arriba, Sandoval, and Taos—were not timely transmitted to absent uniformed services voters and overseas voters ("UOCAVA voters") by the 45th day before the November 2, 2010 Federal general election, as required by UOCAVA. New Mexico concedes that, despite diligent efforts, ballots were not transmitted to UOCAVA voters in Curry, Los Alamos, McKinley, Rio Arriba, Sandoval, and Taos Counties by the 45-day deadline established in UOCAVA. Accordingly, without this Consent Decree, some of New Mexico's UOCAVA voters will not be provided the time specified under Federal law to receive, mark, and submit their ballots in time to have those ballots counted in the November 2, 2010 Federal general election.

The United States and Defendants, through their respective counsel, have conferred and agree that this action should be settled without the delay and expense of litigation. The parties share the goal of providing UOCAVA voters with sufficient opportunity under Federal law to participate in the November 2, 2010 Federal general election. Accordingly, the parties have negotiated in good faith and hereby agree to the entry of this Consent Decree as an appropriate resolution of the UOCAVA violation alleged by the United States. Accordingly, the United States and Defendants stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to UOCAVA, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that UOCAVA voters shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.
2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and this Court has jurisdiction of this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.
3. Defendant State of New Mexico is responsible for complying with UOCAVA and ensuring that validly requested absentee ballots are sent to UOCAVA voters in accordance with the statute's requirements. 42 U.S.C. § 1973ff-1 & 1973ff-6.

4. Defendant Mary Herrera is New Mexico's chief state election officer and responsible for the State's compliance with UOCAVA. NMSA 1978, § 1-2-1.

5. Section 102(a)(8)(A) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8).

6. Failure to transmit absentee ballots to those UOCAVA voters by the 45th day before the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA.

7. New Mexico received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

8. The deadline for New Mexico to transmit absentee ballots to UOCAVA voters who had requested them 45 days before the November 2, 2010 election for federal office was September 18, 2010.

9. Under New Mexico law, ballots from UOCAVA voters must be received by 7 pm on election day to be counted. NMSA 1978, § 1-6-10(B).

10. Election officials in six New Mexico counties—Curry, Los Alamos, McKinley, Rio Arriba, Sandoval, and Taos—did not transmit ballots by September 18, 2010 to the UOCAVA voters in those counties who validly requested ballots by that date. Instead, those ballots were transmitted to UOCAVA voters two to four days late on September 20-22, 2010. Depending on

the preference of the voter, the ballots were either sent electronically or mailed by the U.S. Postal Service. At least 102 ballots were transmitted late, 50 by postal mail.

11. Defendants' failure to transmit absentee ballots to UOCAVA voters who requested ballots 45 days in advance of the November 2, 2010 Federal general election by September 18, 2010, constitutes a violation of Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

12. To ensure that New Mexico's UOCAVA voters will have sufficient opportunity under Federal law to receive the absentee ballots they have requested, and to submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election, the parties agree that this Court should enter an order that extends the deadline for receipt of ballots for UOCAVA voters by four days after the election. Under this extension, absentee ballots from all UOCAVA voters who requested ballots by September 18, 2010 that are executed and sent by November 2, 2010 and received by 7 pm on November 6, 2010 will be accepted and tabulated in the final Federal general election results.

WHEREFORE, the parties having freely given their consent, and the terms of the Decree being fair, reasonable, and consistent with the requirements of UOCAVA, it is hereby ORDERED, ADJUDGED, AND DECREED that:

- (1) To ensure that New Mexico's UOCAVA voters will have sufficient opportunity under Federal law to receive absentee ballots they have requested, and to submit marked absentee ballots in time to be counted for the

November 2, 2010 Federal general election, Defendants shall count as validly cast ballots in the November 2, 2010 Federal general election all ballots, including Federal Write-In Absentee Ballots, cast by UOCAVA voters who requested ballots by September 18, 2010, provided such ballots are executed and sent by November 2, 2010, received by 7 pm on November 6, 2010, and are otherwise valid.

- (2) To provide an opportunity for UOCAVA voters to learn of this Court's order, upon the entry of this Consent Decree, the Defendants shall issue a press statement for immediate release, posted immediately on New Mexico's election information website, and distributed to the Federal Voting Assistance Program; International Herald Tribune (<http://www.iht.com>); USA Today International (<http://www.usatoday.com>); Military Times Media Group (cvinch@militarytimes.com); Overseas Vote Foundation (<http://www.overseasvotefoundation.org/intro/>); Stars and Stripes (www.estripes.com); and any other appropriate newspaper or news media. The news release shall, at a minimum: (a) summarize this order, including notice that the deadline for receipt of all ballots from UOCAVA voters who requested ballots by September 18, 2010 has been extended to November 6, 2010, and (b) provide appropriate contact information for assistance.

- (3) The Defendants shall provide a report to the United States no later than October 22, 2010 indicating when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.
- (4) The Defendants shall file a report with this Court no later than December 17, 2010 concerning the number of UOCAVA absentee ballots, received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters:
- a. The number of absentee ballots from UOCAVA voters received by each county before the close of the polls on November 2, 2010 and counted;
 - b. The number of absentee ballots from UOCAVA voters received and counted by each county after the close of the polls on November 2, 2010 but prior to 7 pm on November 6, 2010, broken down by county;
 - c. The number of absentee ballots from UOCAVA voters received by each county later than 7 pm on November 6, 2010; and

d. The number of absentee ballots from UOCAVA voters received by each county that were not counted in the general election for Federal office, for reasons other than late receipt.

(5) The Defendants shall take such actions as are necessary to ensure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including determining the cause of the late mailed ballots and taking any administrative or other actions needed to reduce the potential for future UOCAVA violations arising from New Mexico's or the individual counties' election practices. The parties agree to confer on the progress of these efforts, and Defendants shall provide a status report to the United States by March 15, 2011.

The Court shall retain jurisdiction over this action through June 30, 2011 to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree and to enter such relief as may be necessary to abate any UOCAVA violation with respect to future Federal elections caused by New Mexico's election practices.

Date: October 12, 2010

The undersigned agree to entry of this Consent Decree.

For the Plaintiff:

KENNETH J. GONZALES
United States Attorney
District of New Mexico

ERIC H. HOLDER, JR.
Attorney General

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division

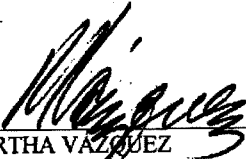
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For the Defendants:

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New Mexico Attorney General

/s/ Tania Maestas
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SO ORDERED this 14th day of October, 2010.


MARTHA VALQUEZ
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-cv-968
v.)	
)	
THE STATE OF NEW MEXICO and)	
NEW MEXICO SECRETARY OF STATE)	
MARY HERRERA, in her official capacity,)	
)	
Defendants.)	
)	
)	

COMPLAINT

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA requires that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to amendments made by the MOVE Act, UOCAVA requires that states transmit absentee ballots to UOCAVA voters at least 45 days in advance of an election for Federal office when ballot requests have been received within 45 days of that election, unless the state receives a hardship exemption pursuant to UOCAVA. 42 U.S.C. §§ 1973ff-1(a)(8) & (g). New Mexico neither

sought nor received a hardship waiver under UOCAVA for the November 2, 2010 Federal general election.

2. The Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4, and brings this enforcement action to ensure that New Mexico's UOCAVA voters have sufficient time to receive absentee ballots they have requested and submit marked absentee ballots in time to be counted for the November 2, 2010 Federal general election.

3. This Court has jurisdiction pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201.

4. Defendant State of New Mexico is responsible for complying with UOCAVA and ensuring that validly requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. §§ 1973ff-1 & 1973ff-6.

5. Defendant Mary Herrera is sued in her official capacity as the New Mexico Secretary of State. As Secretary of State, Herrera is New Mexico's chief state election officer and responsible for the State's compliance with UOCAVA. N.M. Stat. Ann. § 1-2-1.

6. Section 102(a)(8) of UOCAVA requires that states transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election, unless a hardship exemption is obtained pursuant to Section 102(g) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8). New Mexico did not seek or obtain any such hardship exemption for the November 2, 2010 election.

7. New Mexico election officials received timely requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA.

8. The 45th day before the November 2, 2010 Federal general election was September 18, 2010.

9. Under New Mexico law, ballots from UOCAVA voters must be received by 7 pm on election day to be counted. N.M Stat. Ann. § 1-6-10(B).

10. Election officials in six New Mexico counties—Curry, Los Alamos, McKinley, Rio Arriba, Sandoval, and Taos—did not transmit ballots by September 18, 2010 to the UOCAVA voters in those counties who validly requested ballots by that date. Instead, those ballots were transmitted to UOCAVA voters two to four days late on September 20-22, 2010. Depending on the preference of the voter, the ballots were either sent electronically or mailed by the U.S. Postal Service. At least 102 ballots were transmitted late; 50 of those by postal mail.

11. Failure to transmit absentee ballots to the UOCAVA voters in Curry, Los Alamos, McKinley, Rio Arriba, Sandoval, and Taos Counties 45 days in advance of the November 2, 2010 Federal general election constitutes a violation of Section 102(a)(8)(A) of UOCAVA. 42 U.S.C. § 1973ff-1(a)(8)(A).

12. An order of this Court is necessary to require Defendants to take corrective action in order to protect the rights granted by UOCAVA and to ensure that the UOCAVA voters have sufficient opportunity to receive, mark, and submit their ballots in time to have them counted for the November 2, 2010 general election for Federal office.

WHEREFORE, Plaintiff asks this Court to hear this action pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. § 1345, and:

(1) Issue a declaratory judgment under 28 U.S.C. § 2201 that the failure of New Mexico election officials to send absentee ballots to UOCAVA voters at least 45 days in advance of the

November 2, 2010 general election for Federal office violates Section 102(a)(8)(A) of UOCAVA; and

(2) Issue injunctive relief ordering the Defendants, their agents and successors in office, and all persons acting in concert with them:

- (a) To count as validly cast ballots in the November 2, 2010 general election for Federal office all ballots cast by UOCAVA voters who requested ballots by September 18, 2010, provided such ballots are executed by November 2, 2010, received by 7 pm on November 6, 2010, and are otherwise valid;
- (b) To take all additional steps as are necessary to ensure that UOCAVA voters shall have sufficient time to receive, mark, and submit their ballots in time to have them counted in the November 2, 2010 general election for Federal office;
- (c) To take such steps as are necessary to afford UOCAVA voters who are eligible to participate in New Mexico's November 2, 2010 general election for Federal office a reasonable opportunity to learn of this Court's order;
- (d) To provide a report to the United States concerning the transmission, receipt, and counting of ballots for the November 2, 2010 general election for Federal office pursuant to this Court's order within 45 days after the election; and
- (e) To take such other steps as are necessary to assure that New Mexico conducts its elections in compliance with UOCAVA in future federal elections.

The United States further asks this Court to order such other relief as the interests of justice may require, together with the costs and disbursements of this action.

Date: October 12, 2010

ERIC H. HOLDER, JR.
Attorney General

KENNETH J. GONZALES
United States Attorney
District of New Mexico

THOMAS E. PEREZ
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State of Kansas

**MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE
STATE OF KANSAS REGARDING COMPLIANCE WITH THE UNIFORMED AND
OVERSEAS CITIZENS ABSENTEE VOTING ACT**

A. Introduction

This agreement is entered into between the United States of America, through the United States Department of Justice ("United States" or "the Department"), and the State of Kansas and its Secretary of State, Chris Biggs, in his official capacity as Kansas's chief state election official (collectively the "State"), to facilitate the State's compliance with Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"). UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1.

This matter arises out of UOCAVA's requirement, pursuant to an amendment by the MOVE Act, that States transmit absentee ballots at least 45 days before an election for Federal office to eligible UOCAVA voters who have requested them by that date. 42 U.S.C. § 1973ff-1(a)(8). For the November 2, 2010 Federal general election, September 18, 2010 was the deadline for States to transmit such ballots. After that date, the State informed the Department that several Kansas counties failed to send ballots by the deadline. On that basis, the Department of Justice notified Kansas that the State was in violation of UOCAVA for the upcoming Federal general election, and a lawsuit to enforce UOCAVA had been authorized. The State has now certified that 7 Kansas counties failed to transmit ballots by the September 18 deadline. The Kansas Secretary of State directed the counties in which a violation of UOCAVA occurred to take remedial action.

The United States and the State, through their respective counsel, have conferred and agree that this matter should be resolved without the burden and expense of litigation. The parties share the goal of ensuring that Kansas's UOCAVA voters will have sufficient opportunity to receive the absentee ballots they have requested and submit marked absentee ballots in time for them to count in the November 2, 2010 Federal general election and in future Federal general elections. As consideration for this Agreement, the United States has agreed to forgo litigation, subject to compliance with the terms of this Agreement. The parties have negotiated in good faith and hereby enter into this Agreement as an appropriate resolution of the UOCAVA claim raised by the United States.

B. Recitals

The United States and the State stipulate and agree that:

1. The United States District Court for the District of Kansas has jurisdiction to enforce provisions of UOCAVA, 42 U.S.C. §§ 1973ff to 1973ff-7, and the Federal Court would have jurisdiction over an action brought by the United States to

enforce the terms of this Agreement pursuant to 42 U.S.C. § 1973ff-4 and 28 U.S.C. §§ 1345 and 2201(a).

2. The United States Attorney General is authorized to enforce the provisions of UOCAVA, 42 U.S.C. § 1973ff-4.
3. The State of Kansas is responsible for complying with UOCAVA, and ensuring that validly-requested absentee ballots are sent to UOCAVA voters in accordance with its terms. 42 U.S.C. § 1973ff-1.
4. Chris Biggs is the Secretary of State of the State of Kansas. In that position, Secretary Biggs is the chief state election official for Kansas, and is responsible for administering the Kansas military and overseas voters act ("Kansas act"), which implements UOCAVA. *See* KAN. STAT. ANN. §§ 25-2504, 25-1223, 25-1226. The Secretary of State is authorized to "to make such rules and regulations as he may deem necessary to carry out the provisions" of the Kansas act. KAN. STAT. ANN. § 25-1225. Secretary Biggs is authorized by Kansas law to "utilize the services of such election officials and county officers for such purposes and to such extent as the secretary of state may deem appropriate" to fulfill his duties. KAN. STAT. ANN. § 25-1223(b). The "intent and purpose" of the Kansas act is "to provide election procedure which will conform with that prescribed by the federal act [UOCAVA]." KAN. STAT. ANN. § 25-1226.
5. Section 102(a)(8)(A) of UOCAVA requires that States transmit validly requested ballots to UOCAVA voters not later than 45 days before an election for Federal office when the request is received at least 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8)(A).
6. Kansas election officials received requests for absentee ballots for the November 2, 2010 Federal general election from voters who are entitled to vote pursuant to the provisions of UOCAVA by September 18, 2010.
7. In 7 of the State's 105 counties, election officials failed to send ballots by September 18 to UOCAVA voters who had requested them by that day. Specifically, Marshall (4 ballots) and Finney (24 ballots) Counties did not send their ballots until September 20, 2010; Jackson (19 ballots), Hamilton (2 ballots), and Wabaunsee (5 ballots) Counties did not send their ballots until September 22, 2010; Ellis County did not mail its 26 ballots until September 24, 2010; and Stevens County did not mail its 1 ballot until October 4, 2010.
8. Under Kan. Stat. Ann. § 25-1221, absentee ballots cast by UOCAVA voters in Kansas must be received by the close of polls on Election Day. *See* KAN. STAT. ANN. § 25-1221. The Secretary of State maintains that it is within his authority as the State's chief election officer to extend the State's deadline for return of ballots if doing so is necessary to remedy a violation of Federal law.

9. The State's failure to transmit absentee ballots to UOCAVA voters by the 45th day before the November 2, 2010 Federal general election constitutes a violation of 102(a)(8)(A) of UOCAVA. The United States asserts that, absent the actions described herein to remedy the admitted violation, United States citizens protected under UOCAVA would be deprived of a sufficient opportunity to vote in that election, in violation of UOCAVA.
10. The United States and the Office of the Kansas Secretary of State have engaged in extensive discussions following the September 18th deadline and have reached an agreement on a series of actions to be taken by the State to ensure compliance with Section 102(a)(8)(A) of UOCAVA and to provide UOCAVA voters sufficient opportunity to receive, mark and return the absentee ballots they have requested in time for them to count in the November 2, 2010 Federal general election. It is the intent of the State and the United States that the State immediately undertake and complete the actions set forth in this Agreement.

C. Terms of Agreement

Now, therefore, for full and adequate consideration given and received, the United States and the State agree that:

1. The State shall take all necessary actions to ensure that each of its counties provides at least 45 days for the transmission, execution, and return of ballots to all qualified UOCAVA voters who requested absentee ballots on or before September 18, 2010. Those actions include, but are not limited to, the following: (a) issuing directives to officials in each county where ballots were sent late to delay the completion of their canvassing until at least 45 days after the absentee ballots were sent, and (b) ordering election officials in such counties to count as validly cast ballots in the November 2, 2010 Federal general election all ballots from those UOCAVA voters who requested them by September 18, 2010, provided such ballots are executed and sent by November 2, 2010, received by the date of the applicable extended receipt deadline, and are otherwise valid.
2. The State shall take all necessary steps to provide affected UOCAVA voters a reasonable opportunity to learn of the terms of this Agreement as they apply individually to such voters. Such notice shall occur by telephone, facsimile, or e-mail where such contact information is available. Otherwise, a written notice will be mailed to each affected voter. The notice shall, at minimum: (a) explain that the deadline for the voter's ballot to be executed and sent is November 2, 2010; (b) explain the new extended deadline for receipt of the affected voter's ballot; and (c) provide appropriate contact information for assistance at the relevant election office.
3. The State shall provide a report to the United States Department of Justice no later than October 18, 2010 concerning the transmittal of UOCAVA absentee ballots. The report shall (a) certify when ballots were transmitted in all counties that failed to transmit ballots by September 18, 2010, to eligible

UOCAVA voters who had requested them by that date, and (b) certify that in each of the State's other counties, absentee ballots were transmitted on or before September 18, 2010, to all eligible UOCAVA voters whose applications for ballots were received by that date. The report shall specify for each county that transmitted ballots after the deadline the number of requests received, the number of UOCAVA absentee ballots transmitted, and the method of transmittal.

4. The State shall provide a report to the United States Department of Justice no later than December 17, 2010, concerning the absentee ballots sent to UOCAVA voters and in each county that failed to transmit ballots by the September 18th deadline. For each such county, the report will set forth the following information regarding voters who were sent ballots late ("affected UOCAVA voters"), categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters:
 - a. The number of absentee ballots from affected UOCAVA voters received before the close of the polls on November 2, 2010 and counted;
 - b. The number of absentee ballots from affected UOCAVA voters received and counted after the close of the polls on November 2, 2010 but prior to the expiration of the extended deadline for receipt of ballots;
 - c. The number of absentee ballots from affected UOCAVA voters received after the extended deadline for receiving them;
 - d. The number of absentee ballots from affected UOCAVA voters received but that were not counted in the general election for Federal office for reasons other than late receipt;
 - e. The number of ballots from affected UOCAVA voters that were not returned; and
 - f. The number of ballots from affected UOCAVA voters that were returned as undeliverable by the United States Postal Service.
5. The State shall take all necessary actions to ensure that its UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including determining the cause of the late mailed ballots for the November 2, 2010 Federal general election and taking any administrative or other actions needed to reduce the potential for future UOCAVA violations arising from Kansas's or the individual counties' election practices. The

parties agree to confer on the progress of these efforts, and the State shall provide a status report to the United States by March 15, 2011.

D. Term

The State's obligations under this Agreement shall commence immediately and shall expire in their entirety on June 30, 2011.

E. Enforcement

The terms of this Agreement are intended to resolve the violation of Section 102(a)(8) of UOCAVA arising from the failure to mail ballots by September 18, 2010 to eligible UOCAVA voters who had requested them by that date. In the event the State fails in any manner to comply with the terms of this Agreement, this Agreement is enforceable immediately in United States District Court for the District of Kansas as set forth above. In such event, the United States also may take any other actions required to enforce Section 102(a)(8) of UOCAVA in the United States District Court, including seeking appropriate relief as a substitute for or in addition to the actions which are the subject of this Agreement. Nothing in this Agreement precludes the United States from taking appropriate enforcement action against the State for any other violations of UOCAVA that are not the subject of this Agreement.

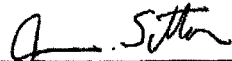
F. General

This Agreement is binding on the parties and their successors in office. The parties agree to the admissibility of this Agreement without objection in any subsequent proceeding for its enforcement or other action filed to enforce Section 102(a)(8) of UOCAVA.

The undersigned enter into this Agreement this 15th day of October, 2010:

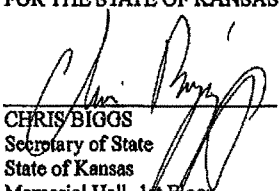
FOR THE UNITED STATES:

THOMAS E. PEREZ
Assistant Attorney General
Civil Rights Division



T. CHRISTIAN HERREN JR.
REBECCA J. WERTZ
ABEL GOMEZ
JANIE ALLISON SITTON
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Attorneys, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave., NW
Room NWB-7254
Washington, DC 20530
Phone: (202) 305-4143
Fax: (202) 307-3961

FOR THE STATE OF KANSAS AND THE KANSAS SECRETARY OF STATE:



CHRIS BIGGS
Secretary of State
State of Kansas
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

10/15/10

State of Mississippi



U.S. Department of Justice
Civil Rights Division

Voting Section - NWB
950 Pennsylvania Ave. NW
Washington, DC 20530

October 15, 2010

VIA EMAIL AND FIRST CLASS MAIL

The Honorable C. Delbert Hosemann, Jr.
Secretary of State
P.O. Box 136
Jackson, Mississippi 39205-0136

Dear Secretary Hosemann:

This letter confirms the steps your office ("the Secretary" or "the Secretary's Office") has indicated it will take to remedy the State of Mississippi's violation of Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to amendments by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"), UOCAVA also provides that UOCAVA voters who request an absentee ballot at least 45 days prior to a federal election are to be sent ballots (by mail or electronically) no later than 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8)(A). For the November 2, 2010 Federal general election the 45 day deadline for sending UOCAVA ballots fell on September 18, 2010.

Following inquiries from the Department of Justice ("the Department") regarding Mississippi's compliance with Section 102(a)(8)(A) of UOCAVA, the Secretary's Office reported that the ballots of 228 UOCAVA voters from 22 Mississippi counties who had requested ballots on or before September 18, 2010 were not sent out at least 45 days before the November 2, 2010 election. After discovering the failure of these 22 counties to timely send absentee ballots to UOCAVA voters, the Secretary ensured that all late UOCAVA ballots were transmitted to the voters by September 22, 2010.

The Secretary has advised that UOCAVA voters in the 22 counties will receive additional time to submit their ballots. Mississippi law requires that ballots of absentee voters be received by election officials by 5:00 p.m. the day prior to the election. Miss. Code Ann. § 23-15-637. A Mississippi Administrative Rule filed May 11, 2007, requires ballots of overseas active-duty military voters to be received by election officials by 7:00 p.m. on the day of the election. However, the Secretary, through the authority granted by Miss. Code Ann. § 23-15-701, S.B. No. 2642 (2010), and Miss. Code Ann. § 25-43-1.101, has promulgated a Temporary Administrative Rule, filed October 7, 2010, which extends the deadline for receipt of UOCAVA ballots in the affected counties to 7:00 p.m. on November 8, 2010 and instructs election officials in the affected counties to count the ballots of all UOCAVA voters if the ballots are received before 7 p.m. on November 8, 2010. The October 7, 2010 Administrative Rule was submitted to the

Attorney General for review pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, and on October 15, 2010 the Attorney General interposed no objection to the change. A copy of the determination letter is enclosed.

The Secretary's Office has agreed to contact the 228 UOCAVA voters by email, telephone, or express mail to advise them that their ballots will be accepted until 7:00 p.m. on November 8, 2010. The Secretary's Office will also provide these voters with the appropriate contact information for election officials who can assist them with any voting-related questions or concerns they may have. The Secretary's Office will also distribute a press release and post a notice on its website that will describe the ballot receipt deadline extension.

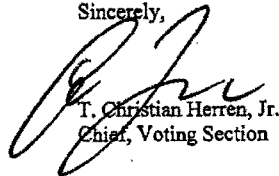
In addition, the Secretary has agreed to keep the Department apprised of its efforts to remedy the aforementioned UOCAVA violations by, no later than December 1, 2010, reporting to the Department the following: the number of the affected UOCAVA ballots returned; the date each ballot was received; and whether the ballots were counted.

Finally, the Secretary will take all necessary actions to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including determining the cause of the late mailed ballots and taking any administrative or other actions to eliminate the potential for future UOCAVA violations arising from Mississippi's or the individual counties' election practices. The Secretary also has agreed to submit a report identifying the causes of the late mailed ballots to UOCAVA voters and detailing the progress of the State's remedial efforts to the Department by May 16, 2011.

These measures have been undertaken by the State to remedy the late transmission of the ballots of UOCAVA voters who submitted absentee ballot requests by September 18, 2010. If each of these measures is fully implemented, they will provide an appropriate remedy for the UOCAVA violation associated with the late transmission of the UOCAVA ballots for the November 2, 2010 general election.

We appreciate your cooperation in our efforts to enforce UOCAVA and the MOVE Act.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section

Enclosure

cc: Corey Wilson, Chief of Staff, Office of the Secretary of State
Liz Bolin, Senior Attorney, Office of the Secretary of State, Elections Division
Margarette L. Meeks, Special Assistant Attorney General



U.S. Department of Justice
Civil Rights Division

TCH:RSB:RPL:TAL:tst
DJ 166-012-3
2010-4057

Voting Section - NWB
930 Pennsylvania Avenue, NW
Washington, DC 20530

October 15, 2010

Margarette L. Meeks, Esq.
Special Assistant Attorney General
P.O. Box 220
Jackson, Mississippi 39205-0220

Dear Ms. Meeks:

This refers to the 2007 administrative rule, filed on May 11, 2007, regarding the Secretary of State's exercise of emergency powers concerning absentee voting and registration of military personnel and the Secretary of State's temporary administrative rule, filed on October 7, 2010, for the extension of the deadline to receive UOCAVA absentee ballots for the November 2, 2010, general election in specified counties for the State of Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on October 8, 2010.

On October 11, 2006, the Attorney General interposed no objection to the change contained in the 2007 administrative rule. (A copy of our letter is enclosed.) Accordingly, no further determination by the Attorney General is required or appropriate under Section 5. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.35.

The Attorney General does not interpose any objection to the remaining specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. 28 C.F.R. 51.41 and 51.43.

Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section

Enclosure

State of Nevada



U.S. Department of Justice
Civil Rights Division

Voting Section - NWB
250 Pennsylvania Ave, NW
Washington, DC 20530

October 4, 2010

VIA EMAIL AND FACSIMILE

The Honorable Ross Miller
Secretary of State
101 North Carson Street, Suite 3
Carson City, Nevada 89701

Dear Secretary Miller:

This letter confirms the steps your office ("the Secretary" or "the Secretary's Office") has indicated it will take to remedy the State of Nevada's violation of Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to amendments by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"), UOCAVA also provides that UOCAVA voters who request an absentee ballot at least 45 days prior to a federal election are to be sent ballots (by mail or electronically) no later than 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8). For the November 2, 2010 Federal general election the 45 day deadline for sending UOCAVA ballots fell on September 18, 2010.

Following inquiries from the Department of Justice ("the Department") regarding Nevada's compliance with Section 102(a)(8) of UOCAVA, the Secretary's office reported that the ballots of 34 UOCAVA voters from Elko County who had requested ballots on or before September 18, 2010 were not sent out at least 45 days before the November 2, 2010 election. After discovering Elko County's failure to timely send absentee ballots to UOCAVA voters, the Secretary ensured that the affected Elko County UOCAVA voters were sent absentee ballots by email or expedited mail, and all of the ballots were sent to voters by September 23, 2010. Absentee ballots in Nevada are normally mailed by first-class U.S. mail. Nev. Rev. Stat. § 239.323(1). The Secretary also directed the Elko County Clerk's Office to contact the affected UOCAVA voters to confirm that their ballots have been received and to advise the voters of the different methods available to return the ballot. The Secretary has advised that as of this date, 4 of these Elko County voters have returned their ballots to the County Clerk.

In addition, the Secretary has advised that the affected Elko County UOCAVA voters will receive additional time to submit their ballots and will receive notice of the additional time. Nevada law provides that all absentee ballots must be received by elections officials prior to 7 p.m. on election day if they are to be accepted. Nev. Rev. Stat. § 293.317. However, the

Secretary, through the authority granted by Nevada Revised Statutes § 293.247, has drafted and provided us with a regulation, instructing the Elko County clerk to count the ballots of UOCAVA voters who requested ballots on or before September 18, 2010 if the ballots are received before 5 p.m. on November 8, 2010, which provides six additional days for receipt of the ballots. The regulation will become effective once approved by the Governor's office.


The Secretary will also afford eligible UOCAVA voters a reasonable opportunity to learn of the remedial measures by giving notice to the affected Elko County UOCAVA voters that: (1) the deadline for the ballots to be executed and sent is November 2, 2010; and (2) the deadline for receipt of ballots from such voters has been extended to 5 p.m. on November 8, 2010. Such notices will include appropriate contact information within the Secretary's office for assistance and will be delivered telephonically and/or via the method used to send the voter's absentee ballot.

In addition, the Secretary will also keep the Department apprised of its efforts to remedy the aforementioned UOCAVA violations by: (1) informing the Department how and when each voter was notified of the remedial measures, by October 15, 2010; and (2) informing the Department of the number of Elko County UOCAVA ballots returned, when each ballot was received and whether the ballots were counted, no later than December 1, 2010.

These measures have been undertaken by the State to remedy the late transmission of the ballots of Elko County UOCAVA voters who submitted absentee ballot requests by September 18, 2010. If each of these measures is fully implemented, they will provide an appropriate remedy for the UOCAVA violation associated with the late transmission of the Elko County UOCAVA ballots for the November 2, 2010 general election.

We appreciate your cooperation in our efforts to enforce UOCAVA and the MOVE Act.

Sincerely,


 P. Christian Herren, Jr.
 Chief, Voting Section

cc: Nicole Lamboley, Chief Deputy Secretary of State
 Matt Griffin, Deputy Secretary of State for Elections

State of North Dakota



U.S. Department of Justice
Civil Rights Division

Voting Section - NFB
350 Pennsylvania Ave. NW
Washington, DC 20530

October 8, 2010

VIA EMAIL AND FACSIMILE

The Honorable Alvin A. Jaeger
Secretary of State
State of North Dakota
600 E Boulevard Ave.
Dept. 108, 1st Floor
Bismarck, ND 58505-0500

Dear Secretary Jaeger:

This letter confirms the steps your office ("the Secretary" or "the Secretary's Office") has indicated it will take to remedy the State of North Dakota's violation of Section 102(a)(8) of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-7. UOCAVA provides that absent uniformed services voters and overseas voters ("UOCAVA voters") shall be permitted "to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office." 42 U.S.C. § 1973ff-1. Pursuant to amendments by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009) ("MOVE Act"), UOCAVA also provides that UOCAVA voters who request an absentee ballot at least 45 days prior to a federal election are to be sent ballots (by mail or electronically) no later than 45 days before the election. 42 U.S.C. § 1973ff-1(a)(8). For the November 2, 2010 Federal general election the 45 day deadline for sending UOCAVA ballots fell on September 18, 2010.

Following inquiries from the Department of Justice ("the Department") regarding North Dakota's compliance with Section 102(a)(8) of UOCAVA, the Secretary's office reported that the ballots of 52 UOCAVA voters from 13 North Dakota counties who had requested ballots on or before September 18, 2010 were not sent out at least 45 days before the November 2, 2010 election. After discovering the failure of these 13 counties to timely send absentee ballots to UOCAVA voters, the Secretary urged the counties to mail the ballots, and ensured that all UOCAVA ballots were transmitted to the voters by September 24, 2010.

North Dakota canvassing boards are required to meet to canvass the election results "not earlier than the third day following each election, but not later than six days after each election." N.D. Cent. Code Ann. § 16.1-15-17 (West 2009). Accordingly, the state's UOCAVA voters, whose absentee ballot envelopes are postmarked before the election date, have a three to six day window to return their ballots after election day. The Secretary has confirmed that 12 counties that failed to meet the UOCAVA ballot mailing deadline have set November 8, 2010 as the

meeting date for their canvassing boards, thus guaranteeing that the ballots of the affected UOCAVA voters will have a minimum 45 day ballot transit time. The thirteenth county, Cavalier County, has affirmed that it will hold the canvassing meeting on November 8, 2010 only if its one UOCAVA voter has not returned his or her ballot before election day.

The Secretary's Office has contacted the affected UOCAVA voters by e-mail or mail to advise them that their ballots will be accepted until November 8, 2010, if they are postmarked before election day. The Secretary's Office has also provided these voters with the appropriate contact information for election officials who can assist them with any voting-related questions or concerns they may have.

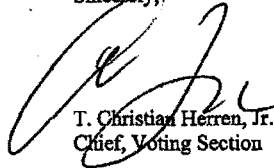
In addition, the Secretary has agreed to keep the Department apprised of its efforts to remedy the aforementioned UOCAVA violations by informing the Department, no later than December 1, 2010, of the number of the affected UOCAVA ballots returned, the date each ballot was received, and whether the ballots were counted.

Finally, the Secretary will take all necessary actions to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, including determining the cause of the late mailed ballots and taking any administrative or other actions to eliminate the potential for future UOCAVA violations arising from North Dakota's or the individual counties' election practices. The Secretary also has agreed submit a report identifying the causes of the late mailed ballots to UOCAVA voters and detailing the progress of the State's remedial efforts to the Department by May 15, 2011.

These measures have been undertaken by the State to remedy the late transmission of the ballots of UOCAVA voters who submitted absentee ballot requests by September 18, 2010. If each of these measures is fully implemented, they will provide an appropriate remedy for the UOCAVA violation associated with the late transmission of the UOCAVA ballots for the November 2, 2010 general election.

We appreciate your cooperation in our efforts to enforce UOCAVA and the MOVE Act.

Sincerely,



T. Christian Herren, Jr.
Chief, Voting Section

cc: Jim Silrum, Deputy Secretary of State
John Fox, Assistant Attorney General

Commonwealth of Virginia

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
	)	Case No. 3:08CV709
v.)	
)	
JEAN CUNNINGHAM, et al.,)	
)	
Defendants.)	
)	
)	
)	

CONSENT DECREE

Plaintiff United States of America initiated this action to enforce the requirements of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 ("UOCAVA"), 42 U.S.C. §§ 1973ff to 1973ff-6. On October 15, 2009, this Court entered an order finding that the Commonwealth of Virginia and the Virginia State Board of Elections ("Defendants") violated UOCAVA by failing to mail timely-requested absentee ballots to UOCAVA voters 30 days or more before the November 4, 2008 general federal election, and ordered the Defendants to count as validly-cast all timely-requested, but late-mailed and otherwise-valid absentee ballots that were received by local electoral boards and registrars within 30 days of the close of polls on November 4, 2008.

On September 10, 2010, this Court ordered the parties to discuss "the creation of an appropriate, functional future compliance plan." Order on Perm. Rel. at 4. Accordingly, the parties hereby agree to the entry of this Consent Decree to resolve this action, and stipulate as follows:

1. Defendant Commonwealth of Virginia is obligated to comply with UOCAVA which, following the Court's Order, has been amended by the Military and Overseas Voter Empowerment Act, Pub. L. 111-84, §§ 577 to 582, 583(a), 584 to 587, 123 Stat. 2318 (2009) ("MOVE Act").

2. The adoption of certain monitoring, reporting, and training procedures for a limited period is appropriate to ensure the Defendants' ongoing compliance with UOCAVA.

3. The adoption of additional safeguards is appropriate to ensure ongoing UOCAVA compliance should absentee ballots not be sent by dates prescribed by federal law.

4. This Consent Decree is final and binding as to all issues resolved herein.

WHEREFORE, the parties having freely given their consent, and the terms of the Consent Decree being fair, reasonable, and consistent with the requirements of UOCAVA, it is hereby **ORDERED, ADJUDGED, and DECREED** that:

1. Because UOCAVA enforcement depends on timely and accurate information about the extent of compliance in each of the Commonwealth's political subdivisions, Defendants shall adopt procedures designed to determine Statewide UOCAVA compliance. Accordingly, the Defendants shall:

(a) Beginning the 50th day prior to each federal election, survey each Virginia locality to determine (1) whether the localities have received their printed absentee ballots sufficiently ahead of the 45-day mailing deadline to transmit these ballots as required by UOCAVA, (2) whether the localities anticipate any difficulties or situations that would prevent them from transmitting ballots to stateside uniformed services voters and their spouses and dependents, overseas uniformed services voters and their spouses and dependents, and overseas civilian voters as required by UOCAVA, and (3) whether it would be appropriate for the

Defendants to provide additional support to any Virginia localities to ensure that they meet the appropriate deadlines under UOCAVA;

(b) obtain written or electronic certifications, in a format agreed to by the parties, of the number of absentee ballot applications received in each Virginia locality on or before the 45th day before each federal election from stateside uniformed services voters and their spouses and dependents, overseas uniformed services voters and their spouses and dependents, and overseas civilian voters, entitled to vote pursuant to UOCAVA; the date on which the printed absentee ballots were received in each general registrar's office; the date on which the general registrar began sending absentee ballots to such UOCAVA voters; and the date on which the general registrar completed the sending of absentee ballots to such UOCAVA voters;

(c) compile the data provided by the Virginia localities described in paragraph 1(b) into a spreadsheet format devised in consultation with the United States, and transmit such spreadsheet and forms, by facsimile or other electronic means, to counsel for the United States no later than 5:00 pm on the 44th day before each federal election;

(d) forward to counsel for the United States copies of the written or electronic report from the local electoral boards to the State Board of Elections required under Va. Code Ann. §24.2-612 immediately upon receipt of said report;

(e) obtain written or electronic certifications, in a format agreed to by the parties, of the number of absentee ballot applications received in each Virginia locality after the 45th day and on or before the 30th day before each federal election from stateside uniformed services voters and their spouses and dependents, overseas uniformed services voters and their spouses and dependents, and overseas civilian voters, entitled to vote pursuant to UOCAVA; the

date on which the general registrar began sending absentee ballots to such UOCAVA voters; and the date on which the general registrar completed the sending of absentee ballots to such UOCAVA voters;

(f) compile the data provided by the Virginia localities described in paragraph 1(e) into a spreadsheet format devised in consultation with the United States, and transmit such spreadsheet and forms, by facsimile or other electronic means, to counsel for the United States no later than 5:00 pm on the 29th day before each federal election;

(g) certify in writing to counsel for the United States that all of the data reported pursuant to paragraph 1 of this Decree is accurate to the best of its knowledge.

2. Prior to each federal election cycle, Defendants shall use all reasonable effort to train at least one election official from each local electoral board or general registrar's office in Virginia on the requirements of UOCAVA, as amended by the MOVE Act, and the need to send absentee ballots to UOCAVA voters in a timely manner. Such training shall include instructions on the provisions of this Consent Decree, including the monitoring and reporting requirements, and of all Virginia laws and procedures governing voting by UOCAVA voters, including those pertaining to use of the Federal write-in absentee ballot ("FWAB"). Defendants shall provide copies of such training materials to counsel for the United States prior to their use for training Virginia local election officials.

3. If, during the time period covered by this Consent Decree, it becomes apparent that any general registrar will be unable to transmit regular absentee ballots to UOCAVA voters by the 45th day before a federal election as required by the MOVE Act, the Defendants shall ensure that each UOCAVA voter entitled to an absentee ballot shall be sent a FWAB, which shall be transmitted no later than the 45th day before the federal election. The FWAB shall be

accompanied by instructions for completing and returning it, and a complete and accurate listing of relevant candidates, offices, and ballot propositions for which the voter is eligible to vote, if available, as well as instructions for acquiring such information via the internet and toll-free telephone access. The Defendants shall further ensure that regular absentee ballots are sent to affected voters as soon as practicable.

4. For all Virginia localities that transmitted absentee ballots to stateside uniformed services voters and their spouses and dependents, overseas uniformed services voters and their spouses and dependents, and overseas civilian voters later than UOCAVA's deadlines in 2008 and 2010, the Defendants shall conduct reviews of their operational procedures to determine the sources of their failures, and shall address any failures identified with appropriate training, to be developed in consultation with the Department of Justice.

5. The monitoring, reporting, and training provisions contained in Paragraphs 1 and 2 shall remain in effect through December 31, 2012, unless extended by written agreement of the parties.

6. The Defendants shall submit the changes resulting from this Consent Decree for review under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c.

7. Nothing in this Consent Decree shall be construed as waiving any of the Commonwealth of Virginia's obligations under UOCAVA or the MOVE Act.

8. The Court shall retain jurisdiction over this action to enter such further relief as may be necessary for the effectuation of the terms of this Consent Decree.

Date: December 10, 2010

Respectfully submitted,

FOR THE UNITED STATES:


FOR DEFENDANTS:

THOMAS E. PEREZ
ASSISTANT ATTORNEY GENERAL

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By: 
ROBIN PERRIN MEIER
Assistant United States Attorney

T. CHRISTIAN HERREN, JR.
REBECCA J. WERTZ
RICHARD DELLHEIM
LEMA BASHIR
Attorneys
United States Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Ave., NW
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Washington, D.C. 20530
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Richmond, Virginia 23219
804-698-6248 direct dial
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rdybing@t-mlaw.com

ACCEPTED AND AGREED:


COMMONWEALTH OF VIRGINIA
STATE BOARD OF ELECTIONS

SO ORDERED


Richard L. Williams
United States District Judge

The CHAIRMAN. And thank you for your testimony.

At this time, we will start the questioning with 5 minutes apiece, and I will start the questioning.

You said that tens of thousands of soldiers were able to vote as a result of these efforts. How many were not able to vote despite these efforts?

Mr. PEREZ. That is what we are looking at now, Mr. Chairman.

The CHAIRMAN. Would that be in the range of tens of thousands?

Mr. PEREZ. It is impossible to state with any certainty because we are still getting the data from the Election Assistance Commission, and we expect to get that data in the next couple of weeks.

The CHAIRMAN. Would you be surprised if we are over 10,000?

Mr. PEREZ. I really don't know what the number is, sir, because what we are trying to do is gather the data and make a determination.

The CHAIRMAN. Well, you claim you helped tens of thousands, but you cannot tell us how many were not helped?

Mr. PEREZ. That is why we are gathering the data, sir, and we hope to be in a position to make those judgments in the coming months.

The CHAIRMAN. I appreciate the work you did. I would just say for our men and women in uniform, we don't allow them to come home with a success rate of 82 percent, or whatever it is, and tell them that that was a job well done. Frankly, that would mean loss of lives. And it just seems to me in this situation, we ought to be as concerned about their right to vote.

Let me ask you about two States I am not sure you mentioned. You did mention my home State of California, where it did take some actions to record significant reductions in the number of rejected military absentee ballots as compared with the election in 2006. But let me ask you about Illinois and let me ask you about New York. It seems to me those are two of the most egregious States in terms of their performance.

In Illinois, you were involved in a consent agreement, but it appeared that your Department allowed some counties to be treated differently than other counties. Some were basically required to tow the mark; others were not. Can you tell me about the disparity in treatment of the different counties in the State of Illinois, and are you satisfied with the results that you received in the State of Illinois?

Mr. PEREZ. We had a lawsuit that was filed on October 22nd. We filed a lawsuit and a consent decree that day. There were ballots in six different counties that were at issue in that particular case. And as is the case in virtually every UOCAVA case that has been filed since 1986, the remedy is to extend the deadline for voting beyond the date of the election.

Some States already have provisions that extend that deadline. Illinois had those provisions as well. And when you factor in the provisions that allow for the extension of time to submit your ballot, along with the relief that was sought in the court, every voter and every county, except one, had the 45 days. And the one county that didn't, Mr. Chairman, was a county that had until November 19th. And the reason that November 19th was a hard deadline was because there was a subsequent certification deadline in the Sen-

ator Burris incident so that you couldn't extend it beyond the November 19th. So there was one county——

The CHAIRMAN. Wasn't that subsequent election in all counties?

Mr. PEREZ. But because of the peculiarities of that county, it was one day short in that particular county. Every other county, the military and overseas voters had 45 days pursuant——

The CHAIRMAN. Can you tell me anything about a report that was published in the newspaper and then republished in reference—at least referenced in subsequent articles, about one of the counties in Illinois where they ensured that ballots were delivered to people who were incarcerated with greater expedition than making sure that similar ballots were delivered to the military?

Mr. PEREZ. I am not familiar with the particular report that you are referring to, sir. But I can tell you that when we went to court, we had a hearing. There was actually a motion to intervene that was filed in that case. And the judge in that case at the conclusion of the hearing ruled that the settlement addressed the needs of the voters who were potentially disenfranchised.

So there was a hearing in that case, and the court, upon carefully reviewing the consent decree and the arguments that were made, concluded that the efforts in Illinois and the result in Illinois were consistent with the MOVE Act and consistent with ensuring protections.

The CHAIRMAN. What about New York? New York, as I understand, after receiving a two-week waiver allowing the State to begin mailing absentee ballots on October 1st, 13 counties, including three in New York City, failed to meet the deadline and waited until October 5th or later to mail absentee military ballots.

Mr. PEREZ. In New York, there were roughly 43,000 ballots that were not sent by the deadline. And as soon as we learned about that—and again, you are correct, Mr. Chairman, that New York did have that—DOD did grant a waiver to New York, and notwithstanding that waiver, they were not in compliance.

And so it was—we learned in the course of our investigation that October 10th was the latest date that ballots had been sent out. And so the consent decree there set a ballot return deadline of November 24th, which was 45 days. So, again, using the 45-day period as the touchstone, we were able to obtain relief there, not only to fix that problem——

The CHAIRMAN. But didn't they still have to have the ballot voted by the actual election date to have it counted?

Mr. PEREZ. That is correct.

The CHAIRMAN. So if it got to them basically too late to do that, the fact that you extended the time after the election for it to be received by the authorities was of no moment to them, right?

Mr. PEREZ. Well, that is why the MOVE Act is so important, because it does contain a number of provisions for the electronic submission of ballots to people. Or, in some cases, ballots can be sent via express mail delivery. And so technology is an ally. Those sorts of deliveries are allies, and that is why the MOVE Act is so important. And that is why when we were looking at various remedies, we used a wide array of remedies, including the electronic transmission, including overnight mail. Some of the various decrees and

agreements that I described included provisions for the overnight mailing of ballots.

The CHAIRMAN. My time has expired.

The Ranking Member of the full committee is recognized for 5 minutes.

Mr. BRADY. Thank you, Mr. Chairman.

What tools could Congress give to you to improve compliance with this act? You know, we want to make sure that our men and women, again, that are protecting us have that opportunity to vote.

Mr. PEREZ. Sure. And we share that interest. And that is precisely what we are doing right now. I am a big believer of plan, execute and reflect. And right now, we are gathering data, and we are reflecting.

One of my first obvious reflections is that States that had problems were States that had late primary dates. A number of States moved the primary dates up. Hawaii is one of the States that we had to take action against. And they have already passed a law to move their primary date up.

If you have a September election and you have a recount, you are never going to have 45 days to—or I don't want to state it so unequivocally—you are going to be hard-pressed to meet those deadlines. And that is why states have moved their deadlines up.

We are carefully reviewing, along with the Department of Defense, because it is their responsibility to make the waiver determinations, we are looking at that process. We are looking at how we can better communicate information at the front end and see whether there are additional tools that we can put to bear so that the information, the word gets out in an effective fashion. And frankly, what we are doing right now, Congressman, is we are talking to various stakeholders to find out—you know, tell us what you learned, tell us where it worked, tell us where you think it didn't work and let's dissect where it didn't work and understand why.

Mr. BRADY. We all mention the word States, but actually it is the counties. I mean, the State puts the law out when the elections are taking place, but then the county has got to comply. And in the State of Pennsylvania, we have a whole lot of different counties, a whole lot of different cultures. But what kind of harm or what could we do in Congress to make sure that the counties do comply, because in a lot of places if they don't comply, there is nothing you can do to them, other than try and impress upon the fact you are taking away somebody's personal right to vote?

Mr. PEREZ. That is an excellent question, Congressman.

And the MOVE Act puts the accountability on the States to ensure compliance. But you are absolutely correct; there are 9,000 jurisdictions across the United States that administer elections. And so, in the course of our review, we would, when we got information that led us to be concerned about a particular jurisdiction, and Mr. Chairman asked about some specific counties, we often got on the phone with that county to get even more specific information.

And so part of our learning right now is, how do we ensure that in a system that is as decentralized as the system we have, with 9,000 roughly different authorities administering elections, but with a MOVE Act that does put the accountability on the States, how do we thread that needle? How do we ensure information flow

from counties so that if there is a problem, we learn about it as early as possible and can correct the problem? How can we empower counties with the tools that they need to ensure compliance?

Mr. BRADY. Are you confident that up to the 2010 election that you did everything in your power enforcement wise to make sure that these votes were being counted?

Mr. PEREZ. Yes, sir.

Mr. BRADY. Well, you know, my point to you is that, you know—and I am not directing this at you, I think you do a great job, and you continue to try to do a great job trying to be able to have our men and women vote. There is a carrot and a stick. In the younger days, I always liked the carrot; the older I get, I am talking about the stick now. What can we do to give you a little bigger stick?

Mr. PEREZ. Well, that is precisely what we are looking at now. And I would like to get the data from the Election Assistance Commission and really study it and understand it so that I can come back to the entire committee with the answers to where was our authority limited and where could it be beefed up? Because I very much appreciate your carrot and stick metaphor. And we are, especially in the structure that we have, you know, with State accountability, with 9,000 local election officials or local election bodies administering that, I think that question that you asked is one of the many \$64,000 questions that we need to collaboratively address.

Mr. BRADY. Try to get them down to just a couple hundred instead of \$64,000. Thank you for your time.

Mr. PEREZ. Thank you for your time, sir.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHOCK. Thank you, Mr. Chairman.

Mr. PEREZ. Good morning.

Mr. SCHOCK. Good morning.

I am enormously concerned that in my home State of Illinois, 35 out of Illinois' 102 counties failed to comply with the MOVE Act's specific requirements. As a result, thousands of Illinois men and women in our armed forces were disenfranchised, which is an abomination that cannot go without holding those responsible accountable.

In St. Clair County, Illinois, home of Scott Air Force Base, 1,200 ballots were mailed 16 days late on October 4, 2010. Illinois' primary was held in the first week of February 2010, the earliest primary in the Nation, leaving a full 9 months before election day for the general election, yet preparations to comply with the vital Federal law obviously fell flat.

The Illinois State Board of Elections director, Chris Cray, stated that ballots may not be counted even if the State was delinquent in complying with the MOVE Act. I believe that is outrageous and cannot stand and for which those responsible must be held accountable and which must never be allowed to happen again.

It was also reported that the Chicago Board of Elections hand-delivered ballots to the Cook County jail to ensure that voters there in jail had the opportunity to vote, yet overseas military ballots were casually mailed weeks late and in clear violation of the law. And then no remediation was accorded in counting ballots that

were arriving back to the election authorities to make up for those election authorities' failure to comply with the law.

I have profound wonder at why the law regarding the date that voted ballots must be received to be counted was strictly upheld but not the unequivocal law about when these ballots were required to be mailed in the first place.

Mr. Perez, I ask why did the Department of Justice not know about these problems until well after it was too late and until after the media covered what I believe was a scandalous situation?

Mr. PEREZ. Congressman, we did learn about the problem before the media began to cover it. We learned about it through our outreach. As I said before, we sent letters to every single State. We followed up with every single State. And then, as soon as we learned about the situation in Illinois, we filed the action that I described.

One thing that we did in Virginia is relevant to a comment that you made in your question. I completely agree with you that if a ballot arrives late after an election, as long as it has been sent before the election, the vote should absolutely be counted. And we went to court in Virginia to uphold that precise principle, because the failure of election officials to get the ballot out in a timely fashion shouldn't prejudice the voter.

So I completely agree with you on the issue of as long as someone submitted it by the election date, and as a result of the consent decree, the receipt dates were extended to—I think it was November 16th or 20th, and I will get the precise date, but as long as those ballots were received by that date, then they should have been counted.

And one thing I will take away from our interaction is I want to double back to make sure that those ballots were counted. Virginia argued that it wouldn't have made a difference in the election. I think that is irrelevant. If somebody has voted, their ballot should be counted. And so one thing that we are learning from this interaction is I need to double back on that because that is the first I heard of that.

Mr. SCHOCK. You are not aware that the State Board of Elections director of legislative affairs in our State made that decision at this point?

Mr. PEREZ. I am not personally aware. I don't know whether the career staff is aware of that, but I will make sure I follow up on that issue.

Mr. SCHOCK. What is the penalty for states and election authorities that fail to comply with the MOVE Act?

Mr. PEREZ. The penalties that have been in place since UOCAVA and now under the MOVE Act are—the most common penalty or the most common remedy is the extension of the receipt date for the ballots. So, in New York, for instance, the date was extended to November 24th. In Illinois, you already have a law that grants certain extensions for I think up to 14 days. So, to the extent that they needed more than that, that is what the consent decree called for. So that is the most frequently obtained source of relief.

We also get prospective relief, so that we are getting reports from Illinois, the other 14 jurisdictions where we have agreements. We are analyzing those reports. We are getting reports about what

they are going to do prospectively, because what occurred in the Illinois election was absolutely not up to what we expect in terms of enforcement of the MOVE Act.

And so we did our best to fix the problems in the November 2010 cycle, and now we are actively working to prevent problems in the future. And that is not simply in Illinois, but it is in every jurisdiction.

Mr. SCHOCK. Mr. Chairman, I realize my time has expired. I would ask permission to submit questions in writing to the Department.

The CHAIRMAN. Absolutely. Any member can submit questions to the record.

We would ask the witness if you receive them that you would respond to them in a timely fashion.

Mr. PEREZ. Absolutely. Thank you for your time.

The CHAIRMAN. The gentlelady from California.

Ms. LOFGREN. Thanks, Mr. Chairman, and thanks for having this hearing.

I think this is an extremely important subject. And as has been mentioned, this was a bill that received broad bipartisan support. Everyone agrees that our men and women in uniform, they are out there for us, and we have got to be here for them so that they have an opportunity to cast their ballots and have their ballots counted. It is just absolutely fundamental.

So we took a good first step, and this oversight hearing is another important step to make sure that whatever shortfalls existed get corrected so that we don't have any problems, hopefully, any problems in the next election.

I am wondering, the Department of Justice has a lot of things it needs to do. In the whole panoply of things that your division needs to pay attention to, where would you put this? Was this the highest priority that you have, the second highest? I mean, how would you rank your attention to this.

Mr. PEREZ. I think you can make judgments about how people prioritize something by how many resources they put in. We had 20 people that were basically all hands on deck in our MOVE Act enforcement. That is almost one half of our litigation unit. And they were scouring the Nation and learning new things on a daily basis. It was a very compressed timeline for compliance.

Ms. LOFGREN. So half your litigators were working just on this compliance?

Mr. PEREZ. That is correct.

Ms. LOFGREN. Let me ask you this. I mean, obviously, you have got teams spread out trying to find problems to do something about it, but there are also Americans looking at things and presumably drawing your attention to problems.

Mr. PEREZ. Absolutely.

Ms. LOFGREN. Were there any complaints that were brought to your Department that you were unable to respond to?

Mr. PEREZ. We received information and complaints from outside stakeholders, as well as from States. I mean states—

Ms. LOFGREN. That is what I mean, outside stakeholders.

Mr. PEREZ. Oh, of course. And we continue to do that outreach. I spoke at the Overseas Vote Foundation meeting last week.

Ms. LOFGREN. My question is, you know, Mr. Smith says I just found out my county didn't send it out, are there any of those—are there letters in your inbox that you were unable to respond to a complaint?

Mr. PEREZ. Not to my knowledge. Whenever we received a complaint, whoever was assigned to that State would immediately respond and then talk to the individual who complained or the local election official or whoever the person was. And we would do our level best to fix the problem.

Ms. LOFGREN. Now, part of, you may not know the answer to this, but there was a pilot project in the bill to allow the use of the Internet. And I think it was West Virginia and the District of Columbia that were the pilots. And it is my understanding that the District of Columbia was hacked. And I think it was the University of Michigan put their fight song on. I mean, they weren't malicious, but I think these young people wanted to prove that it wasn't secure.

I have been one to believe that we are not ready from a security point of view to do Internet voting. But I also think that the capacity actually to transmit the ballot, not the filled-out ballot but just the raw ballot, overseas that could then be sent back by snail mail would really help a lot. Have you given any thought to that as a potential answer for overseas, because we have the Internet. You could print out the ballot and then you wouldn't have to mail it, but then you could actually, the armed services could take tremendous responsibility for getting those ballots back to the right jurisdiction.

Mr. PEREZ. Well, in fact, in Illinois, just to use an example, part of the consent decree required that anyone who wanted to receive the ballot electronically needed to be sent the ballot electronically, even if there had been a ballot mailed to them. So I completely concur that technology can be an ally, especially in the mailing of unfilled-out ballots. And that obviously can cut the amount of time dramatically when time is indeed of the essence. I also am familiar with the concerns that you have identified.

And I think in response to your question, Congressman Brady, technology is going to be a big part of the discussion moving ahead. Technology can be an ally and was an ally in the implementation of the MOVE Act. But you have identified a very important barrier to taking technology to the next level.

Ms. LOFGREN. Well, we could get half of the problem solved. I am not suggesting, I don't want to be misunderstood, that we should move to Internet voting, because I don't think the security is adequate for that. But I think the transmission of blank ballots—

Mr. PEREZ. And in fact, that occurred, and it is my understanding—the DOD was involved in that—but my understanding is that it in fact did increase.

And the OVF report that you recognized, Mr. Chairman, did make mention of the increased use of Internet.

Ms. LOFGREN. Thank you, Mr. Chairman.

My time has expired.

The CHAIRMAN. The gentleman from Florida, the former sheriff, is recognized, Mr. Nugent.

Mr. NUGENT. Thank you, Mr. Chairman.

Mr. PEREZ. Good morning, sir.

Mr. NUGENT. Good morning, sir.

Good morning, Mr. Perez.

Obviously, we have a number of veterans in the State of Florida that are deployed overseas, including, at any given time, my three sons. So, obviously, the voting act as relates to our military is of paramount importance to me and to my constituents. You mentioned about how you prioritize your investigations and that you have 20-some litigators assigned to that. Of the other 20, how many are assigned to the multilingual balloting initiative?

Mr. PEREZ. I don't know the precise number of people working on the bilingual ballot issue. I can get back to you on that. But section 203 compliance, which is the bilingual ballot provision, and section 4(e) of the Voting Rights Act, which is another bilingual ballot provision, are provisions that we have also enforced with vigor.

Mr. NUGENT. So the MOVE Act, though, is your priority number one?

Mr. PEREZ. Well, the MOVE Act was a top priority. And especially in the implementation of a new law, which is why we deployed so many resources during the 2010 election cycle to making sure we did our level best to enforce it.

Mr. NUGENT. Have hardship regulations been developed yet by DOJ?

Mr. PEREZ. I don't believe that is our responsibility to develop hardship regulations, but I will look into that. There is a lot of—there is a division of labor in the MOVE Act between DOD and DOJ, and I don't know with precision whether the hardship regulation—

Mr. NUGENT. Will you find out for me?

Mr. PEREZ. I sure will.

Mr. NUGENT. So you are not sure whose responsibility it is?

Mr. PEREZ. That is correct.

Mr. NUGENT. And obviously, DOD is the one that offers the waivers?

Mr. PEREZ. That is correct; they make the decisions on the waivers and under the statute in consultation with the Attorney General. So we did consult with them, but it was their call in the end.

Mr. NUGENT. In your prior testimony, you mentioned that you do receive information from the Election Assistance Commission and you review that information on a regular basis.

Mr. PEREZ. Yes we do, Congressman.

Mr. NUGENT. There was a report from the EAC that showed over 45 percent of the UOCAVA ballots received by New Jersey were rejected for various reasons. Are you aware of that?

Mr. PEREZ. There are a number of reports that we have received, but it is my understanding that the Election Assistance Commission has granted an extension until March 1st for a number of States, and I don't know if New Jersey is in that particular category—I thought it was for all States, but I am not certain of that—to provide additional evidence and information.

And so our goal moving forward, and again, in response to a number of questions, we are very much in the outreach and information gathering mode to figure out what went right, what went

wrong, why the things that went wrong went wrong and how we fix them. And so we are going to be looking at the data for every State, whether it is New Jersey, whether it is Florida, every State. And again, our goal is 100 percent compliance.

Mr. NUGENT. Well, obviously, that is an important issue for Congress and for the American people.

Mr. PEREZ. Absolutely.

Mr. NUGENT. But I want to make sure that the over 30 percent of those who wanted to vote could not vote, and I want to have concrete solutions in regards to how we are going to address that. You know, we hear all the time about our military out there fighting for us, so we need to be fighting for them here in this Chamber to make sure that every vote is a vote counted and not one that is just dismissed because it is hard to get to them or an elections office has a difficult time with this.

So my question to you really is, how are you—you touched on the issue about compliance, but how do we ensure there is compliance? I mean, other than going to court—and a lot of times, when you go to court, it still doesn't resolve the issue because of the time-sensitive nature of balloting. I mean, how are we going to make sure that 30 percent in the 2011 or 2012 cycle get their vote counted?

Mr. PEREZ. We make sure that we are vigorously monitoring. We make sure that we have redundancies built in so that when we get information from State A, we have other means of getting information to verify whether that is accurate. We have early warning systems in place. We are doing the outreach that we have already done so that there are boots on the ground, folks in communities who will provide us with that information. We empower voters.

I have actually gone out to military bases to talk with commanding officers about our work in the employment context and the USERRA context, protecting people like your sons who serve our Nation with great distinction and come home and lose their jobs. I am talking about protecting people who are losing their homes, and we have a robust program of enforcement of the SCRA. And we are talking to base leaders, commanding officers about the MOVE Act, and I am learning a lot from them about how we can get the word out. Because one of the things that we need to do more of is get the word out at the front end to our servicemembers, whether it is the National Guard, as they prepare to deploy, make sure they know that you can't—you know, you have rights not to lose your home. You have rights not to get your car repossessed. You have the right to vote and get your ballot in a timely fashion. Those are the things that I look forward to working with you and this committee on to make sure that we are doing all of those things.

Mr. NUGENT. One last question if I may just extend for a moment—or I will do it in writing so we can move on.

The CHAIRMAN. Thank you.

I recognize the gentleman, the distinguished former trial judge from Texas, Mr. Gonzalez, for 5 minutes.

Mr. GONZALEZ. Thank you, Mr. Chairman.

I refer to that as the good old days.

But quickly, this is an important topic for all of us. And I will remind everybody that when we passed it I believe it was a bipar-

tisan effort and I would like to keep it that way as we follow up to make sure it is effective.

I come from San Antonio, Mr. Perez, and that is Military City, USA. And we mean it, and I understand that some of my colleagues may compete for the title, but they are mere pretenders when it comes to San Antonio.

Mr. PEREZ. I believe Congressman Nugent may have some issue with that.

The CHAIRMAN. Spoken like a true Texan.

Mr. GONZALEZ. It is a healthy competition.

Mr. NUGENT. And I was in San Antonio back in 1969, so thank you, sir.

Mr. GONZALEZ. Air Force?

Mr. NUGENT. Yes, sir.

Mr. GONZALEZ. You have to go through basic training at Lackland, so if you are Air Force, I know you have been to my city.

But quickly, I just kind of want a timeline, Mr. Perez. It is one of those things where you don't want to act when it is too late, and you want to be prepared. And we are going to have testimony from election officials in a minute, and I am hoping to be here for most of that testimony; I have to go to Energy and Commerce. However, DOJ doesn't wait until the effective date of a statute before you start preparing for its implementation, is that correct?

Mr. PEREZ. Absolutely.

Mr. GONZALEZ. All right. So let's say, in March of 2009, you were nominated. In June of 2009, I think the Senate Judiciary Committee—or the committee, yes, voted you out 17 to 2. But you weren't confirmed until about the first week in October so—

Mr. PEREZ. October 6th, but who is counting?

Mr. GONZALEZ. Well, because three weeks later was the effective date of MOVE, wasn't it?

Mr. PEREZ. Correct. October 28th I believe is when the President signed it.

Mr. GONZALEZ. Because you are the cop on the beat now. Starting three weeks earlier, you are there. The question, and I want to piggyback on my colleague, Congressman Nugent's question, and you were talking about it, and you pointed out early warning system. And what do you mean by that? What is the outreach to our election officials so that you know way ahead of time, not when you get the request for some sort of a waiver, but I mean, how do we build that in? And then I have got a follow-up about the manner.

Mr. PEREZ. Sure. I am a former prosecutor and I have had a lot of experience implementing new criminal laws. And what we do in those situations is really similar to what we do here, which is, as soon as the law passes—actually, frankly, before the law passes, you have prepared your outreach materials and your education materials. You have robust relationships with key stakeholders. You are building additional relationships. So you are out there early on getting the word out.

And that is precisely what we did in collaboration with our colleagues at DOD. As a result of that, then you send out the guidance letter, which we did in 2010. I think it was March or April of 2010. And then from that guidance letter, the team of 20 that I referred to is fanning out to every State, answering questions, an-

ticipating questions, talking, if necessary, to local election officials. Because again, the relationship between States and then those 9,000 entities that are administering elections is critical. And when you have that and when you have those systems in place that have early accountability, I think you can identify problems at an earlier stage.

And one of the things we are going to certainly work on and re-double our efforts on is to establish those early warning systems. Because I would like to figure out a way if there is another Illinois or another New York, we have a shared interest in preventing that. And what we need to do is figure out how best to get those early warning systems in place.

And we have implemented those. I have implemented those with police departments in the use-of-force context. So that if an officer has used force on a number of occasions, there is a yellow light, and Internal Affairs comes in and at least takes a look to see whether it is a problem or whether there is a benign explanation for that. And I think we need to work together to figure out how can we identify and prevent problems earlier on rather than during that frenzy of the 60 days preceding the elections. I think we have a shared interest and could have mutual benefit from that.

Mr. GONZALEZ. And one last thing, Mr. Chairman, and with the chairman's concurrence.

I know you are awaiting further information from EAC that will assist you maybe in answering some of the questions that are posed today in the purpose of the hearing. And if you could supplement some of your responses based on the information that you will be receiving, I guess in March, that would be very helpful because we may follow up. And my time has expired.

Thank you very much. I yield back.

Mr. PEREZ. I would be honored to.

The CHAIRMAN. Thank you.

And now the gentleman who is the Armed Services Subcommittee on Military Personnel chairman.

Mr. BRADY. Mr. Chairman, do I have a right to object? I am going to extend my right not to object because I am sitting here with my chairman and my ranking member of my subcommittee, and I want to be put on record that I allowed them and I want to allow them and invite them to testify.

The CHAIRMAN. It was with the considered concurrence of the ranking member that you are allowed to testify—or excuse me, to ask questions here to join us, and we thank you for that.

Mr. WILSON. Thank you, Mr. Chairman.

And indeed, I appreciate, Mr. Chairman, your national leadership on this issue of military voting. You and I have discussed this issue a number of times. And I know your sincere interest in military families and voting.

And Mr. Brady, I am so grateful that you are on the Military Personnel Subcommittee. And I appreciate the references. This is bipartisan, because we all want our military voters to participate. And I am grateful to be here with the ranking member, Susan Davis, of the Military Personnel Subcommittee.

I am like Mr. Gonzalez. I am very proud of the military facilities in the district. I have Fort Jackson adjacent to Fort Gordon. We

have Marine Corps Recruiting Depot—Parris Island, the Beaufort Marine Corps Air Station and Beaufort Naval Hospital.

I also have the perspective because I expect real high standards of election commissioners. I was vice chairman of our county election commission, and I know that with planning ahead, what has occurred should not have occurred.

Additionally, I am the co-chair of the Americans Abroad Caucus representing 4 million Americans across the world.

And then I also have the perspective that I have seen it done correctly. In my home county of Lexington, South Carolina, the election commissioner, Dean Crepes, the commissioners, the staff members of the commission, were proactive, and they made every effort for military voters to be counted.

With that, a question is, did DOJ solely rely on State level election officials for their assurances?

Mr. PEREZ. No. In some circumstances, when we had information that caused us to have concerns in a particular county, we would go and contact that particular county. So there are a number of States that come to mind where we had direct contact with the county election judges.

I don't want to overstate that. We didn't have contact with 9,000 election offices across the county. But as a result of our outreach activities, when we learned of a problem, we certainly—and it is part of the verification protocol, to call that particular county; hey, I hear there might be an issue, or can you tell me what the current status is? So, certainly in a number of jurisdictions, we did have that; although certainly not in every jurisdiction.

Mr. WILSON. And when you did find out that there was a potential violation, what were the steps taken?

Mr. PEREZ. We worked to fix the problem. I mean, obviously in Nevada, for instance, there was one county with roughly three dozen voters that were potentially disenfranchised, and we were able to reach an informal letter agreement with the State to fix that. Because again, although we have the 9,000 local elected—local election officials that run elections, the accountability under the MOVE Act is still with the State. So we would double back to the State and say, hey, you have got a problem in this particular county, and then work collaboratively to try to fix that problem.

Mr. WILSON. And what steps are being made proactively to prepare for the election of 2012?

Mr. PEREZ. Well, again, we are reviewing all the data that we are getting from the Election Assistance Commission. We are reaching out. And I wrote down Lexington County because you have got a lot of experience. I look forward to reaching out to counties that have been doing it and doing it well for a long time to get that boots on the ground perspective—I am a former local elected official, so I have a lot of respect for people out there in the front lines and their knowledge of the nuts and bolts of basic administration. And so that is going to be—that already is and will continue to be part of our outreach to learn what went well, what can we improve, and then as Congressman Gonzalez said earlier, I look forward to sharing with you the lessons learned.

Mr. PEREZ. I hope to be able to do that as soon as possible, because we obviously don't want to wait until we are right on the verge of the 2012 election to implement the lessons learned.

Mr. WILSON. And you have been front line on County Council in Montgomery County. I am aware of that.

I was intrigued by Ms. Lofgren's point, to e-mail transmit ballots to be mailed back. What other remedies could be made to expedite the counting of military ballots before election—on election day?

Mr. PEREZ. Well, again, the e-mailing, just to be clear, applies to e-mailing the blank ballot, not e-mailing the ballot back. That was a remedy that we used in Illinois. That is a part of the—and my recollection of the report from the Foundation showed that there is a fairly dramatic increase in the use of that.

Again, the use of Express Mail has been part of the remedies that we have put in place. Because, obviously, if you can shorten the time, that is a huge step forward. So those are the principal remedies.

And then obviously extending the ballot receipt date is the most common remedy. And, again, some States already have laws in place that extend that ballot receipt date in some circumstances, including, I believe, Florida. And that can be helpful, although there are some who have concerns about extending the ballot receipt for the reason that you mentioned, Mr. Chairman, about you should really get that ballot out 45 days before the election. So we recognize that tension, and we don't want that fail-safe of those State laws to become an excuse for noncompliance. We are very mindful of that.

So these are the various considerations we are working to implement. And I can't wait to contact Lexington County because, you know, once a local-elected official always a local-elected official, and I look forward to—

Mr. WILSON. Absolutely. Thank you very much, and I share the concern of the chairman. I believe the ballots need to be back by election day. Thank you.

The CHAIRMAN. I thank the gentleman.

It is now my pleasure to recognize a former member of this committee and the current ranking member of the Committee on Armed Services Subcommittee on Military Personnel for 5 minutes.

Mrs. DAVIS. Thank you, Mr. Chairman, and I recognize that perhaps you all miss me so you invited me back for your first hearing. I appreciate that.

Thank you very much, Mr. Perez, for being here; and I wanted to explore with you just a little bit some of the issues that I think you have touched on in many ways. When we have 50 different States with different rules, laws, that have to be complied with, which creates a certain amount of confusion, I suspect, on your part, but on the part of our military members as well, who are going online or are trying to figure out, you know, how they do this, many members tell us, men and women in uniform tell us that it is confusing to try and follow all of this.

So I wanted to just think about what ways, perhaps, within article 1, section 4 of the Constitution, of course, we can comply with some more uniformity; and one of the issues is, of course, the requirement of a notary signature.

Now, in the MOVE Act, we prohibited States from getting that, but the reality is that it is still on the forms. And so, for a lot of people, they are still worried if they can get that notary signature.

In the services, a lot of our officers are notaries, but, on the other hand, it is something that just, you know, people look at and they go, oh, dear, how do I do that? It is a little discouraging. I want to be sure I can find the right person, especially overseas, of course, that is what our concerns are. So what do you think we could possibly do about that?

And, in your opinion, is there any real benefit to this notary signature? One of the statements within the law is that it is not required that they have that, and many election officials tell us they don't look at it anyway, but it is still a requirement. Is it helpful and what role does it play?

Mr. PEREZ. Well, the issue of the notary was an issue that we have been hearing about in the course of our post-election outreach; and, again, the report from the Overseas Vote Foundation noted the confusion that you have identified in your question. My recollection of the MOVE Act, which I think is embodied in your question, was that it eliminated the requirement. And so, you know, one of the steps moving forward—

Mrs. DAVIS. The problem is that they don't know that.

Mr. PEREZ. Right. One of the steps moving forward is to, you know, figure out how we can communicate that and what additional measures consistent, perhaps, with Congressman Brady's carrot-and-stick framework can be put in place to make sure that States appreciate that Congress really meant it when it said that it was eliminating that requirement. Because that is noted in the report of the foundation as a continuing barrier, notwithstanding the very express intent of Congress.

Mrs. DAVIS. I wonder if you would feel free to comment on does it provide—does that notary signature provide any more security? What is your experience with this?

Mr. PEREZ. Well, I think that Congress has made the judgment that it doesn't; and certainly there are other provisions that we have in force where people have been able to through attestation, exercise the right to vote.

And so there are other contexts in which that, attestation, I am who I am has proven sufficient; and the evidence base, I think, suggests that that sort of attestation provision has not led to the concerns of fraud that underlie those who might want a notary.

Mrs. DAVIS. Thank you. I appreciate that.

Are there any other areas that you have come across that you think perhaps the committee should be exploring, again within the bounds of the Constitution, that would make this easier so that we don't have such a lack of uniformity, I guess, throughout this process?

Mr. PEREZ. Well, we are—I mean, it is the challenge—and, again, I spoke with the Secretaries of State last Friday, four or 5 days ago, and I heard a similar comment that many of you have noted which is that, yes, we understand we are accountable under the MOVE Act, but you need to understand that we have hundreds of jurisdictions doing this, and that is our system. So part of what we

are looking to do a better job of is to learn about how we can better coordinate under those parameters.

And this is not an issue that is limited to the MOVE Act. It is an issue that is also in play in the motor voter context. Because States are accountable for the effective implementation of motor voter, but I often hear feedback from States that, hey, you have got to go talk to that county election—not the election official but the DMV or the social service agency.

So I think this is part of a broad conversation about how we can best ensure coordination between the States on the one hand and the local election officials with whom they work, which is why we have been reaching out to all of the stakeholders. Because I recognize that speaking to Secretaries of State and only Secretaries of State is insufficient. Speaking to local election officials and only local election officials is similarly insufficient. We need to bring everyone together.

Mrs. DAVIS. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Perez, I would just say, for those who may be listening in and have not seen this issue or really studied this issue before, elections are held at the local level. We have local elected officials that have a great responsibility. We are not coming in without proper constitutional authority. We are talking about Federal elections, and we are talking about our American military having an opportunity to be able to vote.

So I hope anybody is disabused of the notion that we don't understand the proper role of local governments in here. But we have an obligation to make sure that our military people and others overseas—but I am specifically focusing on our military—have a right to vote and to have that vote counted and that when we exercise proper constitutional jurisdiction we expect that to be carried out.

I think you have helped us with some suggestions of maybe where we have to make further inquiry as to how we can improve this bill. As you have heard, there are some questions that may be submitted to you in writing, and we would ask that you respond to those in a timely fashion.

With that, I thank you.

Mr. PEREZ. I certainly will.

Mr. Chairman, I did have an answer to Congressman Nugent's question. He asked about the hardship.

The CHAIRMAN. Yes.

Mr. PEREZ. And my staff was able to confirm that that actually is the responsibility of FVAP over at DOD. And I don't believe that any regs have been issued, and I will—I think they issued guidance on that issue, but I will confirm that.

But I wasn't sure of the answer to your question, but I have been able to confirm that.

Mr. NUGENT. Thank you.

The CHAIRMAN. So the chairman of the appropriate committee on Armed Services will probably hold hearings on that, and maybe he will let us sit in on those.

Mr. PEREZ. Thank you for your time, and thank you for your courtesy.

Mr. WILSON. Absolutely.

The CHAIRMAN. Thank you.

Now I would like to welcome our second panel of witnesses for their important testimony.

As I said earlier, all of our witnesses possess valuable, real-world experience, knowledge that we desperately need as we seek to marry real-world circumstances and technology with our unwavering commitment to enfranchise our overseas servicemembers and/or American citizens, and it will be interesting to receive the benefit of their testimony with their different areas of expertise and perspectives.

The Honorable Natalie Tennant is the 29th Secretary of State of West Virginia. She is active in the National Association of Secretaries of State and is currently co-chair of the Voter Participation Committee.

Mr. J. Bradley King is the co-director within the Indiana Secretary of State's office of the Indiana Election Division, the State agency which assists voters, poll workers, and local election officials throughout the State of Indiana.

Mr. David Stafford is the Supervisor of Elections from Excambia County, Florida. He was elected as supervisor in 2004 and re-elected in 2008. He is a certified elections and registration administrator, a member and president-elect of the Florida State Association of Supervisors of Elections, and a member of the National Association of Election Officials.

Mr. Richard Jones is the co-chair of the Alliance for Military and Overseas Voting Rights. He served more than two decades on Capitol Hill, focusing on veterans' affairs issues and worked for American Veterans before joining the Alliance for Military and Overseas Voting Rights.

Eric Eversole is the founder and executive director of the Military Voter Protection Project. He is a U.S. Navy JAG officer, who served on active duty from 1999 to 2001, currently and continues to serve as a commander in the U.S. Navy Reserve. As a civilian attorney, he worked in the voting section of the Civil Rights Division of the Department of Justice and has been a tireless advocate for military voters.

I thank each of you for being here and for your respective service. I know that you will agree with me and the other members of the panel in affirming the necessity and importance of the MOVE Act, and I look forward to hearing how effective it was in the 2010 elections from your perspective and how it can be made even more effective in the future.

As I noted with Mr. Perez in the first panel, the committee has received written testimony from each of you. At the appropriate time, I will recognize each of you for 5 minutes to present a summary of that submission.

To help you keep the time, we have a timing device near the witness table. The device will emit a green light for 4 minutes and will turn yellow when 1 minute remains; and when the light turns red, that means your time has expired. We are not quite as bad as they are over at the Supreme Court where, when I argued my one case over there, I was instructed that when that red light goes on, unless you are answering a question posed to you by a member of the

Court, you are to stop in mid-sentence and mid-syllable, if possible. We will not require that today.

Let me tell you, when you are standing there, you realize they are in charge. Here, we are in charge. But I would just ask you, from my left to your right, to testify before us, starting with Secretary Tennant and please try and keep within the 5 minutes or close thereto.

STATEMENTS OF THE HONORABLE NATALIE E. TENNANT, SECRETARY OF STATE, WEST VIRGINIA; J. BRADLEY KING, CO-DIRECTOR, ELECTION DIVISION, INDIANA SECRETARY OF STATE; DAVID STAFFORD, SUPERVISOR OF ELECTIONS, ESCAMBIA COUNTY, FLORIDA; RICK JONES, CO-CHAIR, ALLIANCE FOR MILITARY AND OVERSEAS VOTING RIGHTS; AND ERIC EVERSOLE, EXECUTIVE DIRECTOR, MILITARY VOTER PROTECTION PROJECT

STATEMENT OF THE HONORABLE NATALIE E. TENNANT

Ms. TENNANT. Thank you. Thank you, Chairman Lungren and Ranking Member Brady and the members of the Committee on House Administration for inviting me to testify at today's hearing on Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election.

My name is Natalie Tennant. I am the West Virginia Secretary of State, and I am grateful for the opportunity to speak to you today about our experience in West Virginia related to the implementation of the Military and Overseas Voter Empowerment Act, known as MOVE, that we have been talking about. This topic is of great importance to election administrators, to our uniformed servicemembers, their spouses and dependents and to the United States citizens living and working around the world.

This subject is especially very special for me and personal to me as well, because I am the spouse of a United States service member scheduled to be deployed to Afghanistan in just a few months. My husband, Erik, will be leaving on April 8, and we have a special election coming up on May 14. And before he gets to Afghanistan, he has several different stops in between. And so, of course, this is of special importance.

And we, the people of West Virginia, are also very proud because we have a high number of citizens per capita who serve in the military and serve our country as well who come from West Virginia.

My written testimony today includes additional details regarding the implementation of the MOVE Act in West Virginia. But in summary for you here today, in order to comply with the provisions of the Act, we needed to develop new legislation, revise procedures, and adopt technical solutions.

We first reviewed the four key components of the UOCAVA voter experience—I know that you have been hearing that word a lot, UOCAVA, and it actually stands for Uniformed and Overseas Citizens Absentee Voting Act of 1986—I am sure you all are aware of—and those four experiences, though, voter registration, absentee ballot application, blank ballot transmission, and voted ballot return.

We adopted several legislative solutions, including moving our ballot transmission date to 46 days instead of the 45 days before the election, changing write-in candidate filing deadlines to 49 days before the election, and requiring all counties to provide electronic blank ballot transmission, among other moves.

Operationally, we required very few changes—we were required of very few changes to assure that we fully complied with the first two voting components, and that was voter registration and absentee ballot application. Well, then we focused our efforts on the final two, blank ballot transmission and voted ballot return.

We conducted two side-by-side pilot programs which, in addition to traditional absentee voting methods, allowed us to conduct a comprehensive analysis of absentee voting methods available to our UOCAVA voters. And we in West Virginia initiated a limited pilot in eight counties that tested the effectiveness of online ballot marking and return. This was the first pilot of its scope in the Nation, and we are very proud that we led the country in that.

So a separate pilot was conducted in conjunction with the U.S. Federal Voting Assistance Program, which is known as FVAP that you hear us talking about, which did indeed focus on the blank absentee ballot electronic delivery that you all have talked about today. And the State worked with three industry leaders on these projects, each of whom adhered to rigorous standards promulgated by the State and who submitted their systems to the user acceptance testing and logic and accuracy testing before the systems were made available to the voters.

Through concerted and cooperative efforts by local county clerks and their staff, our vendors and Federal agency partners and the staff in my office, West Virginia met all requirements of the MOVE Act. The conduct of the two pilots allowed the State to test for functional effectiveness to determine true environmental and logistical obstacles and to add appreciably to the national dialogue on electronic voting options and their feasibility.

Because of our relative population size and the number of voters covered by UOCAVA and our willingness and ability to innovate, West Virginia provides an optimal environment to explore additional methods for absentee military and overseas voters to receive and cast a ballot. I truly believe that we achieved a high level of success with our efforts. We received positive voter feedback and experienced a significant increase in UOCAVA voter successful vote attempts.

We stand ready to work with all stakeholders to ensure that the foundation of our democracy, the right to a meaningful opportunity to cast a ballot, is afforded to all voters. We consider this to be our solemn obligation, and we continue to explore secure voting options through the use of technology and the adoption of the best practices and will remain committed to providing the best possible service to those who serve our country.

Chairman and Ranking Member, thank you for allowing me to be here.

[The statement of Ms. Tennant follows:]

**Testimony on Effectiveness of the MOVE Act in the 2010 Election
Before the Committee on House Administration
Natalie E. Tennant, West Virginia Secretary of State
February 15, 2011**

Thank you Chairman Lungren, Ranking Member Brady, and members of the Committee on House Administration for inviting me to testify at today's Hearing on "Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election."

Testimony

My name is Natalie Tennant and I serve as the West Virginia Secretary of State, a post to which I was elected in November 2008. I am grateful for the opportunity to speak to you today about our experience in West Virginia related to the implementation of the Military and Overseas Voter Empowerment Act, otherwise known as the MOVE Act. This topic is of great importance to election administrators, to uniformed service members, their spouses and dependents, and to United States' citizens living and working around the world. This subject also holds personal meaning for me as the spouse of a U.S. service member scheduled to be deployed to Afghanistan in just a few short months.

To provide a brief background, the MOVE Act was passed by Congress and subsequently signed into law on October 28, 2009 as part of the Defense Authorization Act for Fiscal Year 2010. The Act modified and expanded provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) which guarantees certain rights and privileges related to voter registration and absentee voting for uniformed service members, their families, and other overseas U. S. Citizens.

The MOVE Act contained several key provisions to be implemented at the state level in order to ensure compliance. However, not all of these affected West Virginia since certain requirements were already being met or did not apply, such as prohibitions on refusing an absentee ballot based on the lack of a notarization, or due to the size or weight of the ballot paper or mailing envelope.

However, other essential elements of the Act did require us to initiate a state-level legislative response. The MOVE Act set a definitive timeframe for the transmission of blank absentee ballots to UOCAVA voters who had timely submitted an application for a ballot. In order to ensure these voters have ample time to receive, mark and return absentee ballots, the Act included a requirement that States transmit blank absentee ballots at least 45 days prior to the date of a federal election. For a standard General Election held on the first Tuesday following the first Monday in November, this 45-day provision placed the ballot transmission deadline on a Saturday. West Virginia law includes a provision that any deadline falling on a weekend will effectively fall on the following Monday. In order to ensure the full 45-day transmission period, West Virginia enacted conforming legislation that set the transmission deadline 46 days before the election, a Friday.

Previously, West Virginia state code provided a 42-day ballot transmission period. In order to accommodate the new 46-day period, additional Code provisions required amendment. My office has requested that the state legislature shift the candidate filing deadline for certified write-in candidates to 49 days before the election in order to provide all absentee voters with complete candidate information. In addition, certain ballot printing deadlines had to be amended in Code to support the new absentee voting period.

The expanded ballot transmission period was one element of the MOVE Act designed to address issues of “time.” Multiple reports issued since the 2008 General Elections indicate that the *time* involved in receiving and casting an absentee ballot remains one of the most significant barriers to voting for uniformed service members and overseas citizens. To further address time-related issues, the Act required states to establish procedures to transmit voter registration applications, absentee ballot applications and blank absentee ballots to UOCAVA voters in an electronic format at the voter’s request. West Virginia had already instituted provisions allowing clerks an option to electronically transmit these

materials, so the only necessary legislative change was to make an electronic transmission method a requirement when so requested by the voter.

Once conforming legislative was in place, focus was shifted to actual implementation of the MOVE Act provisions. In order to fully evaluate voting options available to UOCAVA voters and to ensure MOVE Act compliance in all 55 West Virginia counties, the Secretary of State's office participated in an online "ballot delivery" pilot project in conjunction with the Department of Defense and the Federal Voting Assistance Program (FVAP). The state also conducted a concurrent West Virginia Online Voting Pilot Project which was authorized by state legislation adopted in late 2009.

The online voting pilot project was deployed in five counties during the 2010 primary elections and was expanded to eight participant counties in the 2010 general elections. The online pilot was conducted with two vendor partners, both of whom were subsequently included in the pool of six vendors selected by the FVAP/Department of Defense to participate in their ballot delivery pilot. A third vendor was used for West Virginia's involvement in the FVAP pilot. By working with three of the six vendors approved to participate in the federal pilot project, West Virginia was able to experience and evaluate the differing approaches to MOVE Act implementation. During the entire pilot period, UOCAVA voters retained the right to vote by traditional mailed ballot procedures; the choice of ballot transmission was solely at the discretion of the voter.

To ensure UOCAVA voters were aware of the voting options available to them, the state embarked on a three-pronged outreach approach utilizing traditional and non-traditional media methods. The first prong was a broad outreach, designed to reach known and potential UOCAVA voters. This included: RSS feeds through the Federal Voting Assistance Program; postings on Facebook; Twitter alerts; press releases to Republicans Abroad, Democrats Abroad, and to armed forces spouses publications; and local media coverage aimed at friends and relatives of deployed service members and citizens abroad in an effort to enlist their support in spreading the message.

The second outreach prong was directed to UOCAVA-related *groups* such as local National Guard units, military installations, and student year-abroad programs. The third prong of the outreach effort was directed at known UOCAVA voters on the individual level. Using existing voter registration and absentee voting records, voters identified as military or overseas were sent individual notices, by mail or e-mail, alerting them to all voting options available to them. (Note: Since voters applying for an absentee ballot using a Federal Post Card Application prior to the passage of the MOVE Act were informed that the application was valid through two federal election cycles, a decision was made to honor those applications as valid UOCAVA voters.) A post-election survey showed that voters did hear of these options from a variety of sources including Voting Assistance Officers, “tweets” from our office, Facebook alerts, and through the Armed Forces Television Network. However, the primary source of information for these voters was still the local clerk of the county commission.

Another source of information for all absentee voters is the Secretary of State’s website (www.wvsos.com) which included: information on the online voting pilot and the FVAP ballot delivery pilot, links to the Federal Post Card Application which may be used for voter registration and as an absentee ballot application, an additional link to the Federal Write-In Absentee Ballot, sample ballots for all 55 West Virginia counties and the free access ballot tracking information required by the MOVE Act.

Through concerted and cooperative efforts by local county clerks and their staff, our vendor and federal agency partners, UOCAVA voter support systems, and the staff in my office, West Virginia met all requirements of the MOVE Act. Every county clerk was individually contacted to confirm all previously-applied-for absentee ballots were transmitted by the state-adopted 46 day deadline and all voters requesting electronic ballot transmission were provided that option. The conduct of the two pilots allowed the state to test for functional effectiveness, to determine true environmental and logistical obstacles, and to add appreciably to the national dialogue on electronic voting options and their feasibility.

I believe we achieved a high level of success with these efforts. We received positive voter feedback, experienced a significant increase in UOCAVA voter successful vote attempts, and we are ready to work with all stakeholders to ensure that this dearest of individual rights, the right to a meaningful opportunity to cast a ballot, is afforded to all voters; we consider this to be our solemn obligation.

Thank you Chairman Lungren, Ranking Member Brady and members of the committee for this opportunity. I am prepared to answer any questions you may have at this time.

The CHAIRMAN. Thank you very much, Madam Secretary.
Now, Mr. King.

STATEMENT OF J. BRADLEY KING

Mr. KING. Thank you, Mr. Chairman, committee members. My name is Brad King. I am the co-director of the Indiana Election Division. I would like to take a few moments to discuss Indiana's success and difficulties with the implementation of MOVE for the November, 2010, general election.

Even before MOVE was enacted, Indiana had taken legislative steps to increase the participation of military and overseas voters, including extended voter registration deadlines, the use of fax and e-mail for the transmission and receipt of ballots in some cases, and the extended deadline after the election to receive ballots.

When MOVE was enacted in 2009, Indiana acted promptly to implement State legislation that became effective on July 1 of 2010, after unanimous bipartisan support in both Houses of our State legislature. As a result, no waiver or extension of MOVE's deadlines was requested by Indiana.

We immediately began working with our local election officials, in Indiana's case the circuit court clerks, to provide them with information about their requirements and responsibilities under MOVE, made a point to mention that any time two or more clerks were gathered together in conferences or meetings, in publications, Web training, any form that we could imagine.

The county election administrators embraced the opportunity to better serve military and overseas voters by transmitting ballots by e-mail or by fax, but the 45-day absentee ballot transmittal deadline proved a problem for just a few counties.

In 2010, the 45-day deadline fell on September 18. Shortly before that date, the U.S. Department of Justice contacted the Indiana Election Division for information regarding county compliance with that deadline. We determined that 89 of Indiana's 92 counties had complied at that point with the 45-day transmittal law. Two small rural counties had not complied and had mailed approximately seven ballots a couple of days late.

St. Joseph County's situation was a bit more serious. St. Joseph County is one of our largest counties in population. It is where the City of South Bend and the University of Notre Dame is located, and so we anticipated a fair number of votes, civilian and military overseas ballots, coming from that county. We were advised that the absentee ballots had not been transmitted by September 18 by the county because they had not been delivered to the county by the ballot printing vendor.

Ultimately, these ballots were mailed as late as September 28, meaning 10 days after the 45-day deadline. According to the St. Joseph County Clerk, the number of ballots delayed was not large. There were 47 that were requested; and, according to the Clerk, all of these ballots were returned to the county by October 14. So, as a result, there is no evidence that any military or overseas voters were, in fact, disfranchised by the ability of the county to transmit those ballots by the 45-day deadline, but it does raise some troubling issues.

When the failure of the ballots to be delivered was reported to the Election Division, I contacted the vendor and was advised that the county could have its ballots tomorrow if it wanted them; and I advised the vendor that, yes, the county did want them and that we wanted the county to have them. And so the vendor then worked to provide ballot proofs so that e-mails could be sent out to individuals who had requested their ballots in that format and paper ballots provided as soon as possible. Although, as I said, it did take 10 days after the deadline for that to be accomplished.

It was also difficult to identify specific county employees who were responsible for the administration of MOVE's requirements, and that delayed county progress in compliance with the statute.

I should note that the county did take the matter seriously when it was brought to their attention and used Express Mail to send out ballots to those who had requested them in that fashion.

Some lessons learned from the implementation of MOVE in Indiana in November, 2010, would include recognizing the important role that vendors play in the administration of elections. In many counties in the United States the technical complexity of election equipment requires county officials to rely on vendors to prepare both the electronic versions of the ballots and the paper absentee ballot system. It appears in the case of St. Joseph County there was a disconnect. We can't assume that vendors are going to be informed by their customers regarding the requirements of Federal law.

Secondly, we need to continue to work with the local election officials to make certain that there is a continuing institutional knowledge regarding MOVE. We have turnover in those offices, and a lesson learned in 2010 may mean nothing to someone who serves beginning in 2013.

Finally, we need to talk to the voters to make sure that military and overseas voters have clear expectations about their rights under MOVE. If a military voter requests an e-mailed ballot and does not receive it by day 44, the military voter should be calling the county to ask why the delay.

There is very little that county election officials are unwilling to do for military and overseas voters, but they can do very little if they receive a call on election day asking where is my ballot.

Thank you for the opportunity to address the committee today.
[The statement of Mr. King follows:]

**United States House of Representatives
Committee on House Administration
February 15, 2011**

**“Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Elections”
Testimony of J. Bradley King
Co-Director, Indiana Election Division, Office of the Secretary of State of Indiana**

Thank you, Mister Chairman and members of the Committee. My name is Brad King. I serve as Co-Director of the Indiana Election Division, the state agency which helps voters, poll workers, and local officials conduct elections throughout Indiana.

I would like to take a few moments to discuss Indiana’s success (and its difficulties) in implementing the Military and Overseas Voter Empowerment Act (MOVE) for the November 2010 general election.

Indiana has approximately 4.2 million registered voters. Of that number, 8087 applied for absentee ballots as military and overseas voters during the general election of November 2010. 2219 of these voted ballots were received by the county election offices.

Historically, Indiana's elected officials and election administrators have always sought to find creative, practical ways for military voters to cast their ballots. During the critical presidential election of 1864, Governor Oliver P. Morton urged President Lincoln to send Hoosier soldiers home from the front lines of the Civil War to cast their ballots at the polls on Election Day. Following that experience, Indiana enacted its first laws to provide a mechanism for military voters to vote by absentee. In the modern era, the state has sought to provide more opportunities for both military and civilian overseas voters to participate in our elections.

The voter registration period was extended to permit military and overseas voters to register as late as 10 days before election day (in contrast to the standard 29 day registration deadline). In cases where military voters were discharged or transferred to Indiana shortly before the election, these voters and their family members were allowed to register on election day itself and cast their ballots. As early as 1994, absent uniformed services voters (and members of the Indiana national guard) were provided with the opportunity to receive and return their ballots by fax, a procedure which permitted national guard members activated following a tragic airplane crash in Roselawn, Indiana (just outside of Chicago) a few days before the general election, to cast their ballots from the field.

The state kept pace with developing technology in 2005 by authorizing county election officials to transmit absentee ballots to military and overseas voters by electronic mail under any program authorized and administered by the Federal Voting Assistance Program (FVAP). Indiana was also one of 19 states which volunteered to participate in a 2010 project by FVAP to provide these voters with comprehensive candidate and referendum information to help them complete the Federal Write-In Absentee Ballot in a more knowledgeable way.

With the enactment of the Military and Overseas Voter Empowerment (MOVE) Act in 2009, Indiana acted promptly to pass the necessary state legislation to implement MOVE for the election of November 2010. House Enrolled Act 1109 was enacted with unanimous bipartisan support, and was effective July 1, 2010. As a result, no waiver or extension of MOVE's deadlines was requested by Indiana. House Enrolled Act 1109 expanded the rights of military and overseas voters to request voter registration and absentee ballot materials by email or fax, and to return voted absentee ballots by email. Since MOVE also required that absentee ballots be mailed to qualified applicants who had requested them at least 45 days before the November 2010 general election, Indiana law was changed to make the 45 day ballot transmittal deadline consistent for all local, municipal, or special elections as well.

The Indiana Election Division began working with the Association of Circuit Court Clerks (the local election administrators in Indiana) to provide information about the role of the counties in implementing MOVE. These included the mid-year publication of revised Election Calendars, highlighting the changes resulting from MOVE, and detailed presentations and training at county association meetings in June and September of 2010. Training and education about the rights of military and overseas voters has always been a high priority for Indiana election administrators. The state's Military and Overseas Guidebook had previously been honored by the United States Election Assistance Commission as a "Best Practice" among the states for its well-organized and readable presentation of information for these voters.

Although county election administrators embraced the opportunity to help military and overseas voters (particularly the overseas members of the military) use email to transmit and receive election material, the 45 day absentee ballot transmittal deadline to mail ballots to those voters who requested that method of delivery proved a problem for a few counties, in particular St. Joseph County, where South Bend, Indiana is located.

The 45 day deadline fell on September 18, 2010. Shortly before that date, the U.S. Department of Justice contacted the Indiana Election Division to ask for information regarding county compliance with the deadline. Upon surveying each of the state's 92 counties, we discovered that 89 counties had either mailed out their absentee ballots on time to military and overseas voters (or, in the case of several counties with small populations, had not yet received any absentee applications from these voters). The three remaining counties, Fountain County, Huntington County, and St. Joseph County, had not met the September 18 deadline. In the case of Fountain County, the serious illness of the circuit court clerk in this small rural county had delayed the approval of ballot proofs, and therefore the printing of the ballots, but even so, only 2 absentee ballots were mailed late. Likewise, in Huntington County, a medium size, but still rural county, the clerk reported severe staff shortages which had delayed ballot production by several days; in that case, 5 absentee ballots were transmitted shortly after the 45 day deadline.

St. Joseph County's situation was more serious. This county is one of the state's largest in population, and includes the cities of South Bend and Mishawaka, as well as Notre Dame University. According to the circuit court clerk, the absentee ballots requested by military

and overseas voters had not been delivered to the county, and therefore not sent to voters by the September 18 deadline. Ten voters who requested absentee ballots by email were not sent those ballots until September 21. In the case of voters who requested absentee ballots by mail, these ballots were prepared and sent to the county's mail room on September 27, and were presumably mailed on September 28 (a full 10 days after the deadline).

According to the County Circuit Court Clerk, the number of absentee ballots delayed in St. Joseph County was not large: 9 ballots requested to be sent by email to overseas military voters; 6 ballots requested to be sent by email to military voters stationed within the U.S.; 9 ballots requested to be sent by regular mail to military voters stationed within the U.S.; 6 ballots requested to be sent by regular mail to overseas military voters; and 17 ballots requested to be sent by email to overseas civilian voters, for a total of 47. On October 14, the Clerk reported that each of these ballots had been returned to the county election board in time to be processed and counted for the general election.

Notwithstanding the fact that no military and overseas voters were disenfranchised as a result, the reasons for the delay are troubling. The primary cause appears to have been a "disconnect" between the county and its voting system vendor. With the increased complexity of voting systems used in the United States, and the uneven access by county election officials to technological support for assistance, many counties have no option other than total reliance on their vendor to program their voting systems, and provide electronic versions of the county's multitude of ballot styles, which are then printed for mailing or emailing to absentee voters.

Long before 2010, most counties had entered into service contracts with their vendors, which specified deadlines for counties to submit ballot information to their vendor, for the county to proof the initial versions of their ballots for accuracy, and then for the vendor to deliver either electronic or paper versions of the final approved ballots to the counties for transmittal to voters. In St. Joseph County's case, the voting system optical scan ballot card printer was RBM Consulting.

Although many other Indiana counties also contract with RBM Consulting to provide ballots, none of these other counties reported delays in ballot delivery that would have affected military and overseas voters. (Fountain County and Huntington County used other vendors in the November 2010 election).

When our office was notified of the delay in ballot delivery to St. Joseph County in mid-September, I telephoned representatives of RBM Consulting to ask for information, and was told that St. Joseph County "could have its ballots tomorrow, if it wanted them." Upon pressing the point, I was assured that the electronic ballot proofs would be sent immediately, which would permit the county to send out ballots by email to military and overseas voters, and that paper ballots would be delivered within a few days.

I did not have the sense from this conversation that the vendor was fully aware of the importance of the earlier absentee ballot delivery deadline for 2010, and that the county

had aggressively pressed its vendor to expedite ballot delivery. Likewise, in contacting county election officials, it took several inquiries to identify which individual staff member had accurate information regarding the county's contractual arrangements with the vendor, and later, exactly how many of each type of absentee ballot application (military v. civilian; overseas v. domestic) had been received

In fairness, I should note that once the St. Joseph County Clerk's office became aware of the nature and scope of the problem, the office did respond promptly and vigorously. The Clerk, Ms. Rita Glenn, voluntarily used express delivery to send out absentee ballots to military and overseas voters who had requested ballots by mail, and was very cooperative in answering inquiries from the Election Division and the U.S. Department of Justice regarding this matter.

Indiana's experience with implementation of the MOVE Act in November 2010 was overwhelmingly positive, but the exceptions to the rule are worth noting. The problems which we experienced may not be atypical.

In the final weeks before an election, the multiple demands made on an office administering elections can be staggering and distracting. It can be extremely difficult to gather accurate data regarding compliance with one aspect of federal law when you do so for the first time six weeks before a General Election Day. Since many local officials who administer elections do so part-time in the midst of other duties (including in some cases, performing marriage ceremonies and forwarding child support payments), and have few if any staff members to assist, even the most motivated election administrator needs both time and information to grasp the importance of changes in existing election procedures mandated by federal law.

I believe that the lessons learned from the implementation of MOVE in the November 2010 election include:

(1) Recognizing the important role that the private sector performs in election administration. More simply put: talk to business. The voting system vendors and companies which provide election support services need to be fully informed when new federal requirements and deadlines are imposed so that they can alter their business practices to provide the products their customers need, when they need them. We should not rely on local election officials to provide this knowledge to these businesses "second-hand."

(2) Raise the understanding of local election officials regarding the importance of the changes required by MOVE. Almost all election officials are enthusiastic in their efforts to get ballots sent to military and overseas voters, and will take extraordinary steps to assist the voter in returning the ballot on time. Both federal and state election administrators must do our part to continue training and educating local election officials about the importance of MOVE's requirements. Due to the regular turnover of officials and staff in local election offices, we cannot assume that the "lessons learned" from 2010 will be remembered if a local election official begins serving in 2012.

(3) Talk to the voters. Military and overseas voters should understand the basic features of absentee ballot voting, and have clear expectations about their rights under the law. A military or overseas voter who doesn't receive an emailed ballot by Day 44 before an election should be prompted to ask if there is a delay or problem back home. Likewise, a voter who hasn't received a mailed absentee ballot within a reasonable period of time after the Day 45 transmittal deadline should be reminded to contact the county election office for assistance. Even the best-intentioned local election official can be hard-pressed to help a voter who is calling on Election Day itself wondering why the voter's ballot hasn't arrived yet.

Thank you for the opportunity to address the Committee. I welcome any questions members may have.

The CHAIRMAN. Thank you very much.
Now Mr. Stafford.

STATEMENT OF DAVID STAFFORD

Mr. STAFFORD. Thank you, Chairman Lungren, Ranking Member Brady, my fellow Floridian, Congressman Nugent, and members of the committee. I appreciate the opportunity to be here today.

All five branches of the military have a presence in Escambia County, Florida. Perhaps we are best known as the "Cradle of Naval Aviation," the home of naval flight training and the storied Blue Angels. And while we are celebrating the centennial of naval aviation this year, we are also home to the Center for Information Dominance, the Navy Hospital Pensacola, and a host of other defense assets and infrastructure. In short, we are a proud military community; and we embrace those who serve.

We are privileged to have nearly 17,000 military and overseas citizens and their dependents as active voters; and as the son, brother, nephew, cousin, and friend to several current and former military voters and as the grandson of a World War I prisoner of war, this aspect of my job is very personal.

Florida has been at the forefront of military and overseas voting for decades. In fact, we still operate under a 1982 consent decree entered by a United States District Judge, who, ironically, is my father. The dispute centered on the 1980 general election in which Florida's election calendar resulted in absentee ballots being mailed far too late.

Ultimately, the State and the Justice Department agreed that absentee ballots received from eligible voters would be counted up to 10 days beyond the general election; and, again, we are still operating under that consent decree today.

Both Federal and State law progressed in the subsequent decades. Florida altered its election calendar to provide for more time to mail ballots and removed any notary and witness requirements. Florida also led in the electronic transmission of materials to overseas voters and permitted those voters to return ballots via facsimile.

Congress also helped by expanding the use of the Federal Write-In Absentee Ballot to stateside military voters and by adjusting the absentee ballot request line for those FWABs. In 2008, my then colleague from Florida, Pat Hollarn, and her deputy, who is now the supervisor there, Paul Lux, successfully conducted the Okaloosa Distance Balloting Project, which allowed overseas voters to cast a secure ballot via remote kiosk. This all occurred prior to the passage of the MOVE Act.

As a result, Florida had very little to change to comply with the MOVE Act. Among the changes, Florida extended to all elections the 45-day mailing deadline, expanded electronic transmission of ballots to all absent military voters, implemented a notification and free-access tracking system, allowed voters to choose their preferred method of ballot delivery, and reduced from two to one the number of election cycles for which absentee ballot requests could apply.

Now this last provision did cause a bit of concern among some of my colleagues as some preferred to stay at the two cycle for

FPCA and other absentee ballot requests. But there is not uniformity, there is not agreement among my colleagues on that point.

And one of the disappointments for me personally in 2010 was Florida's decision not to pursue the FVAP grant for the Ballot Delivery and Marking Wizard. I was pleased to learn recently that FVAP intends to make those grants available to local election officials like myself, and I fully intend to pursue that. However, their online FPCA and the FWAB are also good tools for voters.

I would also like to compliment the U.S. And military postal services for implementing the Express Mail label for returning military absentee ballot mail, which was effective for those who took advantage.

Now while ballot delivery has improved significantly, we still rely on mail return for the bulk of UOCAVA voters. Although fax return is allowed in Florida, in my opinion it is a dying technology and is difficult for many overseas voters to access. Many UOCAVA voters don't understand why they can return a ballot by fax but not by secure e-mail. Now we recognize there are valid security concerns, but we have the best and brightest minds in the world here in the United States, including many in the ranks of our military and civilian government. We can and must figure out a better way forward.

Now, I believe the best path is through pilot projects similar to the Okaloosa Distance Balloting project. Through additional FVAP grants and similar programs, innovative solutions to some of these centuries-old problems can be found; and these can be demonstrated, if necessary, through test elections so any shortcomings can be identified outside an actual live election.

We must also do more to build awareness of the existing tools and procedures that help our military and overseas voters. Through the use of Web sites, e-mail, social media, and other innovative techniques, much of the information needed can be communicated directly to the voter. FVAP, the Overseas Vote Foundation, election officials, and others are already making great strides on this front, but more must be done.

However, the voters share some responsibility themselves for keeping us informed of any changes of address or status or familiarizing themselves with procedures in their particular home jurisdiction and for notifying us of any problems before it is too late for us to respond. Far too many ballots are returned undeliverable, which ultimately cancels their request. And, in addition, as UOCAVA voters must now actively request ballots for each election cycle, a concerted effort to communicate this to voters is essential.

Our Web page includes an excerpt from President Truman's 1952 letter to Congress imploring Congress on behalf of those in the Armed Forces to "make sure they are able to enjoy the rights they are being asked to fight to preserve."

In closing, I applaud Congress for continuing to address these concerns by passing the MOVE Act. I am very proud of Florida's history of serving our military and overseas voters and look forward to continued progress at the Federal, State and local level. Thank you, Mr. Chairman.

[The statement of Mr. Stafford follows:]

Committee on House Administration
Hearing on
“Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election”
1310 Longworth House Office Building
Tuesday, February 15, 2011
10:30am

Statement of
The Honorable David H. Stafford, CERA
Supervisor of Elections, Escambia County, Florida

Chairman Lungren, Ranking Member Brady, members of the committee, thank you for the opportunity to share my thoughts on military and overseas voting. All five branches of the military have a presence in Escambia County, Florida. Perhaps we are best known as the “Cradle of Naval Aviation”, where flight training begins for every Naval Aviator, Naval Flight Officer, and Enlisted Aircrewman and woman, and as the home of the storied Blue Angels. The Air Force has a somewhat new but nonetheless robust presence aboard NAS Pensacola, along with Marine Aviation Training Support Group 21. Escambia County is also home to the Center for Information Dominance – the “Cradle of Cryptology”, Navy Hospital Pensacola, Saufley Field, VA Joint Ambulatory Care Center, and a host of other defense assets and infrastructure. In short, we are a proud military town and embrace those who serve. We are in the midst of a year-long celebration of the centennial of Naval Aviation, and on behalf of our community, I extend a personal invitation to each of you to join us in Northwest Florida for this unique event.

We are privileged to have nearly 17,000 military and overseas citizens and their dependents as active voters. This does not include the thousands of military retirees and reservists who call Escambia County home. And as the grandson, son, brother, nephew, cousin and friend to several current and former military voters, this aspect of my job is very personal. In fact, my grandfather, William H. Stafford, a Pennsylvania National Guardsman whose unit was activated and made part of the Army’s 28th Division during World War I, was captured by the Germans in France and taken prisoner until after the Armistice was signed in 1918. He returned home to western Pennsylvania, married his sweetheart, and the rest, as they say, is history.

On the subject of today’s hearing, I will offer my perspective on the past, present, and future of military and overseas voting in Escambia County and the Sunshine State.

Florida has been at the forefront of military and overseas voting for decades. In fact, we still operate under a 1982 Consent Decree between the State of Florida and the Department of Justice, entered by a United States District Judge named William H. Stafford, Jr. Ironically, he is

the son of the aforementioned William H. Stafford, and is my father. The dispute centered on the 1980 General Election, in which Florida's election calendar resulted in ballots being mailed to overseas voters 20 days or less from Election Day. Ultimately, the parties agreed on a remedy in which absentee ballots received from eligible overseas voters would be counted up to 10 days beyond Election Day for the general election. Again, we still operate under that Consent Decree even though we are now among the nation's leaders in the canvassing of military and overseas ballots.

Both federal law and Florida statutes progressed in the subsequent decades. For instance, Florida altered its election calendar several times to provide for more time to mail ballots. While not required in Florida until passage of the MOVE Act implementing language, many counties in Florida met the 45 day mailing deadline for all elections, not just federal general elections. We also removed notary and witness requirements years ago. Florida also led in the electronic transmission of materials to overseas voters. Even before the MOVE Act, Florida required that a list of candidates be sent electronically to any overseas voter for whom we had an e-mail address no later than 30 days before the election. We also permitted, and still do, the return of ballots from overseas voters via facsimile. Congress also helped in the FY 2005 Defense Authorization Act by expanding the use of the Federal Write-In Absentee Ballot (FWAB) to stateside military voters, and by adjusting the absentee request deadline. Perhaps most exciting, in 2008 my colleagues from Northwest Florida, then-Supervisor of Elections Pat Hollarn and her deputy Paul Lux, successfully conducted the Okaloosa Distance Balloting Project, which allowed overseas voters to cast a ballot via a remote kiosk.

As a result, Florida had very little to change to comply with the MOVE Act. In fact, Florida's then-Division of Elections Director Donald Palmer and Mrs. Hollarn were consulted often during the development of the MOVE Act, and both testified before Congress in the months leading up to final passage. Among the changes enacted last session, Florida: extended to all elections the 45-day deadline for mailing UOCAVA ballots; expanded electronic transmission of ballots to all absent military voters, not just to those overseas; implemented a notification and free-access tracking system for absent uniformed and overseas voters; allowed absent military and overseas voters to designate their preferred method of ballot delivery; and reduced from two to one the number of election cycles for which a single absentee request could apply. This last provision caused a bit of concern among some of my colleagues, as some preferred to stay at two cycles. However, there is no consensus on that point in Florida.

One of my disappointments from the 2010 election cycle was Florida's decision not to pursue the FVAP grant for the Ballot Delivery and Marking Wizard. As you may know, FVAP made funds available to states to deploy this technology, which is an intuitive method for electronic

ballot delivery and completion. Due to time and resource constraints, Florida did not participate. In fact, my county was very close to deploying our own system, but time did not permit. I was pleased to learn recently from Executive Director Bob Carey that FVAP intends to make the grant available to local election officials this year and I intend to take full advantage. Their online Federal Postcard Application and FWAB are also good tools for voters. I'd also like to compliment the U.S. Postal Service and the Military Postal Service of the Department of Defense for implementing the Express Mail Label for Returning Military Absentee Ballot Mail. We saw incredible turnaround times for returned ballots for those who took advantage. As mail continues to be the primary method of ballot return for UOCAVA voters, a close relationship with the U.S. and military postal services is essential.

While the MOVE Act and subsequent state legislation have made important advancements in military and overseas voting, we can and must do more. While we have made significant progress on ballot delivery, we still rely on mail return for the bulk of UOCAVA voters. While facsimile return is an allowable option in Florida, it is a dying technology and is difficult for many overseas voters to access. Many younger UOCAVA voters don't understand why they can fax a ballot but not return a ballot via secure e-mail, which most of them use every day. My colleagues and I certainly appreciate that there are valid security concerns that must be addressed. In fact, I heard from an attendee at last week's Overseas Vote Foundation meeting here in Washington that this was a major topic of discussion. However, we have the best and the brightest minds in the world here in the United States, including many in the ranks of our military and civilian government. Relying on essentially the same system of returning ballots used in the Civil War is no longer acceptable. We can and must figure this out.

So, how do we move forward? I believe the best path is through pilot projects, similar to the Okaloosa Distance Balloting Project mentioned earlier. There are exciting technologies being developed and tested as we speak. Through additional FVAP grants and similar programs, innovative solutions to some of these centuries-old problems can be found. If needed, these new technologies and methodologies can be demonstrated through test elections so any vulnerabilities and shortcomings can be identified outside an actual live election.

In addition, the Uniformed Law Commission (ULC) has adopted UMOVA, a plan for states to adopt to enhance the effectiveness of the MOVE Act. We met late last year with ULC representatives, and as mentioned earlier, Florida is already compliant with most of the major provisions. One suggested improvement, expanding the use of the FWAB to additional elections and contests, is making its way through the Florida legislature this session.

Also, we must acknowledge that although we have innovative new tools to help our military and overseas voters, a lack of awareness remains. We know that military men and women, and their overseas civilian counterparts, are extremely busy with their primary duties and may not have the time or resources to actively seek out the necessary information to help them register and vote. We also recognize that the effectiveness of Voting Assistance Officers (VAOs) varies greatly, and that this is a secondary or tertiary duty that often times is forced upon them. Thus, we must target the individual voter directly, and not rely on third parties to deliver the information. FVAP is making great strides on this front, as are election officials across the country. Through use of websites, e-mail and social media, much of what a UOCAVA voter needs to know can be easily communicated directly to him or her.

However, a great deal of the responsibility ultimately rests with the voter. They must keep us informed of any changes of address or status, be somewhat knowledgeable of the general registration and voting procedures in their particular home jurisdiction, and not wait to notify their election official of any problems until it is too late. Far too many ballots are returned undeliverable, and this cancels their request. In addition, now that the FPCA is good for only one election cycle, UOCAVA voters must actively request ballots for each election cycle. A concerted effort to communicate this to voters is essential.

On our website, EscambiaVotes.com, we have a section dedicated to military and overseas voters which includes an excerpt from President Truman's 1952 letter imploring Congress on behalf of those in the Armed Forces to "make sure that they are able to enjoy the rights they are being asked to fight to preserve." In closing, I applaud Congress for continuing to address these concerns by passing the MOVE Act. I am very proud of Florida's history of taking care of our military and overseas voters, and look forward to continued progress at the federal, state, and local level. Thank you again for the opportunity to address this committee.

The CHAIRMAN. Thank you very much, Mr. Stafford.
Now Mr. Jones.

STATEMENT OF RICK JONES

Mr. JONES. Chairman Lungren, Ranking Member Brady, members of the committee, it is a pleasure to be before so many of the champions who have worked so hard to ensure that those who protect us have their vote protected. It is a delight to be here, sir, and represent the Alliance for Military and Overseas Voting Rights.

I am a co-chairman of the Alliance, and a legislative director for the National Association for Uniformed Services.

The Alliance formed in 2009 to advance several principles. Among those principles: to provide adequate time for receipt, completion, and return of an absentee ballot; to ensure States work toward a more standardized procedure for registering and allowing votes from overseas voters; and to work with Congress and the States to expand and accelerate research in pilot projects to find technological solutions that would help to secure, make more efficient, and make more convenient the process of voting. The election system as well should serve both military voters overseas and civilians who live overseas.

The Alliance has worked for passage of MOVE, and we are very pleased to see it move in the way it has over the past year.

No piece of legislation is perfect. We firmly believe the MOVE Act is a positive measure that has given us a strong advance towards addressing all the principles that we hold as core values.

As you know, Mr. Chairman, there are several key provisions of this bill.

First of all among these is the acceptance of technology for the distribution and delivery of blank ballots and for ballot tracking systems to be put in place.

A second key provision of the MOVE Act is to allow e-mail communication with voters and their home precincts.

Election transmission of blank ballots 45 days in advance is perhaps the most key. It assures, in large part, that the ballots can be secured, completed and returned by those who are overseas and involved in sometimes very hazardous work with their attention on many other issues.

The MOVE Act has moved in the right direction. We have already discussed many of the DOJ concerns. DOJ could have moved more aggressively in several areas. Their programs and process could be improved. But we also know that the Act has only been in place for only 1 year, and we hope that we have learned a great deal out of the 1 year that we have worked on this, so we are well prepared for the Presidential election in 2012.

One of the main goals of the Alliance is to see States adopt laws to facilitate overseas voting and to provide adequate time to receive, complete, and return those ballots.

As you are familiar, one of our Alliance members, the Overseas Vote Foundation, recently held a summit; and during that time they released a survey that they had taken on the 2010 election. You had mentioned some of these survey results in your opening remarks.

More than four-fifths of voters, 82 percent, received the ballot they had requested. Now that is a 5 percent increase over 2008. Fewer voters reported receipt of a ballot too late for successful return. Although one-third reported difficulty in 2010, more than half reported problems in 2008, so that is also moving in the right direction. All 50 States provided electronic transmission of blank ballots. That is up from 20 States in 2008 and demonstrated a direct response to the MOVE Act.

However, voters using electronic ballot, strangely, were less likely to receive their ballot, it was reported, by this OVF survey. Of the 18 percent of voters who did not receive their ballot, nearly 22 had used the electronic method for their request.

As the chairman knows, the Federal Voting Assistance Program, a Pentagon program which helps manage the election process for military personnel and other overseas voters, reported last week that they had not yet gathered all the information they need to assess fully the 2010 election. They did, however, point out that one of the major failures is in ballot return. For the general public, the ballot return on absentee ballots runs at about 90 percent. For Uniformed and Overseas Citizens Absentee Act voters, the ballot return falls to about 67 percent. That is quite a drop.

And one of the things that we herald in the Act is the Express Mail delivery of return ballots. Though anecdote is not data, one story helps explain how comfort and confidence can be found in the use of Express Mail. An absentee voter recently reported that, prior to going overseas, he had worked directly with the head registrar of the voting precinct and applied for the absentee vote using her assistance. When overseas, the voter completed the ballot, returned it by Express Mail, tracked the ballot, and the voter was able to read confirmation of receipt, and the receipt was signed by the very individual he had worked with in applying for the ballot.

Now, that is a good confidence that the ballot had been returned. So the Express Mail is a significant improvement under the MOVE Act.

Sir, the fix remains timely access. As Harry S. Truman said 60 years ago, it is the least America can do to protect the right to vote for those who serve in uniform to protect us.

Again, we thank you very much for this opportunity to testify.
[The statement of Mr. Jones follows:]

**ALLIANCE FOR
MILITARY AND OVERSEAS
VOTING RIGHTS**

TESTIMONY

THE ALLIANCE FOR MILITARY AND OVERSEAS VOTING RIGHTS

PRESENTED BY

CO-CHAIRMAN, RICK JONES

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

Tuesday, February 15, 2011, 10:30 am
Room 1310 Longworth House Office Building

Chairman Lungen, Ranking Member Brady, and members of the Committee:

It is a pleasure to appear before you today to testify at the Committee on House Administration Hearing on Military and Overseas Voting: Effectiveness of the Military and Overseas Voter Empowerment (MOVE) Act in the 2010 Election.

My name is Rick Jones, Co-Chairman of the Alliance for Military and Overseas Voting Rights (AMOVR) and Legislative Director of the National Association for Uniformed Services (NAUS). For the record, neither AMOVR nor NAUS has not received any federal grant or contract during the current fiscal year or during the previous two fiscal years in relation to any of the subjects discussed today.

The National Association for Uniformed Services, founded in 1968, represents all ranks, branches and components of uniformed services personnel, their spouses and survivors. The Association includes personnel of the active, retired, Reserve and National Guard, disabled veterans, veterans community and their families. We love our country and our flag, believe in a strong national defense, support our troops and honor their service.

The Alliance for Military and Overseas Voting Rights (AMOVR), formed in 2009, is a coalition of more than 30 military associations, non-profit organizations, elected officials and student groups dedicated to ensuring that Americans abroad have an equal right and opportunity to vote. From its founding, the Alliance has helped advance the following principles:

- Military and overseas voters must be provided adequate time to receive, complete, and return their absentee ballots;
- States should adopt standardized procedures for registering Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, delivering blank ballots to them and receiving the cast ballots from them;
- Congress and the states should expand and accelerate research and pilot projects to find technological solutions that provide a secure, efficient and convenient means for military and overseas voters to cast their ballots; and
- The election system should serve both military and overseas civilians.

The Alliance for Military and Overseas Voting Rights worked to advocate for and to pass the MOVE Act. In October 2009, the MOVE Act was approved as part of the larger defense authorization bill. Its passage reflects a long overdue fix.

Sixty years ago, President Harry S. Truman asked Congress to guarantee military voters the right to vote. President Truman wrote:

"Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women, who are serving their country and in many cases

risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve."

Although no piece of legislation is perfect, we firmly believe that the MOVE Act is a positive measure and gives us a strong advance towards addressing all of these core principles and critical guarantees highlighted above.

In effect, the MOVE Act removes a number of obstacles that have blocked as many as one-quarter of uniformed and overseas voters in the 2008 Federal election from successfully casting their absentee ballots.

Key Provisions, State Waivers and DOJ Compliance Actions

As you know, Mr. Chairman, the key provisions of the MOVE Act include:

- Acceptance of technology for online voter registration, for electronic delivery of blank ballots, and for ballot tracking systems;
- Email communications with voters to answer questions and engage absentee voters; and,
- Electronic transmission of blank ballots 45 days before Election Day.

The MOVE Act required States to have these key advances in place and ready for the 2010 Federal election. States unable to comply with the 45-day rule were required to file for a waiver, consulting first with the U.S. Attorney General and with approval provided by the Department of Defense (DoD).

Enforcement of provisions enacted under the MOVE Act fall to the Attorney General at the Department of Justice (DOJ).

AMOVIR is informed that DOJ committed significant resources to ensure successful nationwide implementation of the law. According to DOJ, it resolved compliance issues in the six jurisdictions whose waiver requests were denied by DoD.

Subsequent to a series of communications with States on their waiver denials, the Department reached out-of-court agreements with Alaska, Colorado, Hawaii, the District of Columbia and the Virgin Islands. It also filed a consent decree with Wisconsin.

DOJ reports out-of-court actions with other jurisdictions including Nevada, North Dakota, Kansas and Mississippi. In addition, DOJ obtained consent decrees with Illinois, New Mexico, New York and won a court-ordered injunction against Guam.

It is our understanding that the Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, is working on a methodology to "score" States on a 2010 election adoption of MOVE Act provisions. Scores would be weighted, FVAP informs, with greatest

weight given to compliance on the three main factors: the 45-day rule; the provision of online and email programs; and, whether the State allows use of the Federal Write-in Absentee Ballot (FWAB) for all elections.

AMOVIR is reviewing the FVAP initiative but believes it may offer help in evaluating the success of individual States on adopting MOVE Act and it may also give us better focus on remaining State compliance issues.

Another problem facing military and overseas voters is awareness of available tools that aid the absentee voting process. Over the past election cycle, the Pentagon's voting agency has worked to improve voter information and the States have as well. This sort of outreach should be continued. Research suggests that less than half of voters are aware they have the right to use the FWAB and it also suggests that too many election officials are also unaware.

More than 30 States have user-friendly online programs to assist voters, which signifies a significant change from only 8 States in 2008. And if a State is readily equipped, FVAP will help drive the absentee voter to the absentee voter's correct site for direct State information.

While there is more that needs attention, much has been accomplished. It is important to understand that the MOVE Act has been in place for less than one election cycle.

Alliance Goals to Ensure Opportunity to Vote and to Have Vote Counted

One of the main goals of our Alliance is to see States adopt laws to facilitate overseas voting and provide adequate time to receive, complete, and return absentee ballots.

With 1.5 million military voters, 1.1 million military dependents, and more than 3 million overseas civilians, it is essential that we work together to ensure our service members are not disenfranchised by the circumstances of their service. One out of every four ballots requested by military personnel and other Americans living overseas for the 2008 election may have gone uncounted, according to findings being released at a Senate hearing Wednesday.

As you are familiar, survey results released last week from the Overseas Vote Foundation, one of the AMOVIR partner groups and Co-Chair of the Alliance, reveal the following for the 2010 Election:

- More than four-fifths of voters (82 percent) received the ballot they requested, a 5-percent improvement over 2008.
- Fewer voters reported receipt of a ballot too late for successful return (one-third reported difficulty in 2010, more than half reported the problem in 2008).
- All 50 States provided electronic transmission of blank ballots, up from 20 States in 2008, demonstrating direct response to MOVE ACT.
- However, voters using electronic-ballot-request were less likely to receive their ballot than those using mail. Of the 18-percent of voters who did not receive their ballot, nearly 22 percent had used an electronic method for their request.

- Despite all States use of electronic deliver of blank ballots, almost a third of local election officials reported they did not, indicating that the MOVE Act took place at the State level rather than the local level of governance.
- Although the MOVE Act prohibits States rejection of votes without notarization, some States retained a request for such witness signature, causing some voters to drop out of the vote because of an inability to find adequate notary or witness.

Department of Defense Federal Voting Assistance Program

As the Chairman knows, the Federal Voting Assistance Program (FVAP), a Pentagon program, handles the election process for military personnel and other overseas voters. FVAP reported last week that it has not as yet fully gathered and assessed data from the 2010 election to help assess the effectiveness of the MOVE Act.

Last week, FVAP Director Bob Carey told AMOVR members and other associations at a meeting called to review the MOVE Act that one of the major weaknesses in overseas voting is found in the failure of ballot return.

FVAP points to the failure in the return of ballots as one of the major issues facing military and overseas voters. The defense agency reports that absentee ballot return rates for the general population run at a level of more than 90 percent. For Uniformed and Overseas Citizen Absentee Act (UOCAVA) voters, the ballot return rate falls to 67 percent.

When other ballot delivery issues are counted—such as 9 percent misaddressed ballots, 6 percent returned undeliverable, and 17 percent of those military who request an absentee ballot never get it—a total of nearly 370,000 military voters may face real problems.

Express Mail Return of Ballots

Clearly, late and missing ballots continue to plague overseas and military voters. Consideration of this issue is sorely needed. We need to investigate how certain jurisdictions succeeded in voters successfully casting a ballot outside their traditional polling place and apply the better practices to improve outcomes in areas that struggle.

The Alliance for Military and Overseas Voting Rights is encouraged, however, by a number of advances that have been made under the direction of the MOVE Act.

One of these advances is express mail return of completed ballots. Not only does it provide speed of return, express mail offers an assurance that the vote is received and a confidence it is counted.

Though anecdote is not data, one story helps explain how comfort and confidence can be found in the use of express mail. An absentee voter recently reported that prior to going overseas he had worked directly with the head registrar of his precinct when applying for an absentee vote.

When overseas, the absentee voter completed his ballot and returned it using express mail. Tracking the ballot, the voter was able to read confirmation of receipt and see the receipt was signed by the very same precinct registrar who had helped him register.

That's a pretty strong indicator. It presents a positive affirmation and lends confidence in the process. It's an immediate comfort that gives our military and their families confidence that they can reliably secure an absentee ballot, complete it and return it in time to vote.

At this point, neither AMOVR nor NAUS have discovered or heard any widespread concerns or complaints similar to those typical of the frustration expressed in 2008 when one soldier responded to the OVF (Overseas Vote Foundation) survey:

"Registered to vote. Serving in Afghanistan. Never received a ballot. Tried to use the Federal Absentee Write-In process - still required me to mail in the ballot, and I was out of time ... [I] am very angry!"

The "fix" remains timely access to a ballot with improvement in absentee voting rules and more consistent regulations with each State. Challenges remain in navigating our election system. Our troops, their families and citizens overseas deserve nothing less than the same constitutional rights they safeguard for the nation.

Those who defend our country and its free institutions need help to enjoy the rights they are asked to fight for and preserve. It is the least America can do to protect the right to vote for those who serve in uniform to protect us.

Appreciation for the Opportunity to Testify

Mr. Chairman, the Alliance for Military and Overseas Voting Rights was founded to overcome the roadblocks in the voting process for our troops and citizens overseas. Congress passed the Military and Overseas Voter Empowerment (MOVE) Act to provide greater protections for service members, their families and other overseas citizens.

On behalf of the organizations of the Alliance for Military and Overseas Voting Rights and the nationwide membership of the National Association for Uniformed Services, I express our appreciation to Members of the Committee for holding this hearing. We ask that you continue your work in good faith and in bi-partisan spirit to support the right to vote for our fellow Americans living, working and serving abroad.

The service given by the men and women who serve in uniform is vital to our defense and national security. They stand as one of our nation's greatest assets. The Alliance for Military and Overseas Voting Rights is proud of the service they give to America every day, and we are confident you will take special care to protect their right to vote.

Again, the Alliance for Military and Overseas Voting Rights and the National Association for Uniformed Services stand ready to work with you to improve the system and make the process more efficient, cost-effective and reliable.

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The Ballot

A weapon that comes down as still
as snowflakes fall upon the sod;
But executes a freeman's will,
as lightning does the will of God.

John Pierpont, 19th Century American Poet

Members of the Alliance for Military and Overseas Voting Rights

Rick Jones, *Co-Chair*, Alliance for Military and Overseas Voting Rights, *Legislative Director*, National Association for Uniformed Services

Chip Levengood, *Co-Chair*, Alliance for Military and Overseas Voting Rights, *Chairman of the Board*, Overseas Vote Foundation

American Citizens Abroad	Fleet Reserve Association
American Foreign Service Association	Florida Voters Foundation
American Military Retirees Association	Hispanic War Veterans Foundation
American Military Society	International Peace Operations Association
American Retirees Association	Iraq and Afghanistan Veterans of America
American WWII Orphans Network	The Hon. Jeremy Kalin, Minnesota House of Representatives
Association of American Residents Overseas	Korea War Veterans Foundation
Association of the United States Navy	Military Officers Association of America
Bexar County Elections, Texas	National Association for Uniformed Services
BIPAC	National Defense Committee
Brennan Center for Justice	National Guard Association of the United States
The Hon. Jennifer Brunner, Ohio Secretary of State	National Military Family Association
The Hon. Beth Chapman, Alabama Secretary of State	Operation BRAVO Foundation
Empire Capitol Strategies	Overseas Vote Foundation
Enlisted Association of the National Guard of the United States	Pew Charitable Trusts
FAWCO Alumnae USA	Reserve Officers Association
Federation of American Women's Clubs Overseas	Rock the Vote
The Flag and General Officers Network	Retired Enlisted Association
	Verified Voting Foundation

The CHAIRMAN. Thank you very much for your testimony.
Mr. Eversole.

STATEMENT OF ERIC EVERSOLE

Mr. EVERSOLE. Thank you. Good morning, Mr. Chairman, members of the committee. Thank you for allowing me to testify regarding the implementation of the MOVE Act in the 2010 elections.

As we have heard today, the MOVE Act was a tremendous undertaking for the States and for the local election officials; and one thing is clear at this point. A vast, vast majority of the States and local election officials did a tremendous job in implementing the MOVE Act. They worked long hours to make sure that our servicemembers would have a better opportunity to vote, and some of the fruits of those efforts are really evident in some of the data that is starting to come back from the Election Assistance Commission.

I took a quick look at the data, and one thing that I noticed very clearly from some of the early results is the amount of ballots that are rejected for being returned late significantly decreased. In other words, more ballots made it back on time and more ballots were counted. So that is a big win for our servicemembers.

There were, however, some significant disappointments during the 2010 election; and at the top of the list is the voting section in the Department of Justice and its efforts to enforce the implementation of the MOVE Act.

Now, we have all heard time and again that the voting section brought 14 cases or 14 actions in 2010. But that number, without any context, doesn't have a lot of meaning. It is somewhat like a football coach that keeps talking about the fact that they scored 14 points in the big game, but what he doesn't tell you is the fact that there were three or four fumbles that cost them the game. And it is those fumbles that we have to get to in order to ensure that we have greater success in the 2012 elections that are quickly approaching.

The fact is, and there is significant evidence of this, the Department of Justice, the voting section, was very slow to react to the MOVE Act.

Mr. Perez talks about the fact that they issued a letter in April of 2010. Well, that is 6 months after the MOVE Act was passed; and the damage there is the fact that many States had already gone through their legislative cycles at that point. So the possibility of getting real legislative reform by April of 2010 was significantly diminished.

Another thing that has been talked about was the guidance to the States on the waiver procedures. Mr. Perez is correct. FVAP has the responsibility to issue those waiver procedures, but with the guidance of the Department of Justice, and that guidance never came. There are several news reports that indicate that the draft guidelines were sent to the Department of Justice, and there never was a written response to those guidelines. And the waivers weren't issued, and it had a significant impact on States asking for waivers.

Wisconsin is a classic example. They ended up being sued by the Department, but Wisconsin makes it pretty clear they would have

never asked for the waiver if they would have had clear guidelines, and those guidelines were not issued.

And even when the Department brought cases, many of these cases, like the one in Illinois, were brought 3 or 4 weeks after the deadline for mailing out ballots. And, as a result of that, those ballots were sent out 25 days before the election.

Another important fact there is that there is a substantial body of evidence that says that if you mail ballots 25 days before the election by First Class mail, a certain percentage of those ballots will not make it to the troops on the front lines.

At the very least, both in New York and Illinois, the Department of Justice should have required express delivery. They didn't. It is a failure. It cost votes.

But aside from the delay issues, there is a more fundamental question that is very important that no one has mentioned here today, and that is the insufficiency of some of the agreements. I have talked about Illinois and New York, but I want to talk about Maryland.

In Maryland, Maryland had applied for a waiver application and decided better of it about a month before, or a month before the deadline, and called the Department of Justice and inquired whether they could simply send out a Federal-only ballot and deprive the servicemembers of their State rights, and the Department of Justice approved that.

So I don't—you know, and that is part of the problem here.

Now, my organization ultimately sued the State of Maryland based on the advice that they got from the Department of Justice. A Federal district court judge found that the State of Maryland had violated their fundamental rights; and that ultimately ensured, via the judge's court order, that 600 military and overseas voters would be able to vote but for the actions of our organizations and the Federal court. But certainly they would have been disenfranchised based on the Department's efforts.

That really gets to really my last point, and one thing I would ask the committee to quickly consider, because my time is up.

Senator Barrasso and Senator Cornyn issued a bill yesterday that creates a private right of action so that servicemembers can defend their own rights in Federal court. Congress recently passed, I think last year, a bill that gave servicemembers expanded rights to bring cases in the servicemen—the SSCRA or the Soldiers' and Sailors' Civil Relief Act, and there has been some very positive—

But our servicemembers ought to have the ability to fight for their own rights in Federal court and not have to rely upon the Department of Justice to bring those cases.

Again, thank you for holding this hearing. I look forward to your questions.

[The statement of Mr. Eversole follows:]

Testimony of Mr. Eric Eversole**Hearing on "Military and Overseas Voting:
Effectiveness of the MOVE Act in the 2010 Election"****Before the Committee on House Administration****February 15, 2011**

Mr. Chairman and members of the Committee, thank you for providing me, as the Executive Director of the Military Voter Protection Project (MVP Project), an opportunity to testify regarding the effectiveness of the Military and Overseas Voter Empowerment Act (MOVE Act)¹ in the 2010 election. We greatly appreciate the Committee's longstanding support for the voting rights of our men and women in uniform and look forward to working with the Committee to defend those rights.

There is no doubt that the MOVE Act was the most significant military voting reform in 25 years. It requires the states, as well as the federal government, to undertake significant efforts to provide our men and women in uniform with a better opportunity to vote. Among other things, the MOVE Act requires states to send absentee ballots to military voters at least 45 days before the election, except in limited circumstances where the state suffers an undue hardship and applies for a waiver from the Federal Voting Assistance Program (FVAP).² The MOVE Act also requires states to adopt at least one electronic delivery mechanism (e.g., internet download, fax or email) for election materials, including blank ballots. Finally, it requires FVAP to expand its outreach efforts and to use expedited mail delivery service to return absentee military

¹ Pub. L. No. 111-84 §§ 577 to 582, 583(a), 584 to 587, 123 Stat. 2190 (2009).

² The MOVE Act allows a state to apply for a waiver of the 45-day standard in limited circumstances where the state can show an undue hardship and can otherwise demonstrate that it will provide military voters with sufficient time. See 42 U.S.C. § 1973ff-1(g).

ballots from overseas locations. All of these changes had to be implemented by the November 2010 election—that is, approximately 13 months after the Act was passed.

States worked aggressively and expended significant resources to implement these changes. In a relatively short period, many states introduced and passed a host of legislative changes to comply with the MOVE Act. A few states, including Vermont and Minnesota, undertook the immense burden of moving their primary date to meet the 45-day mailing deadline. Other states, like Alabama, California, Florida, and Indiana, undertook a comprehensive review of their military voting procedures and made significant changes to improve those procedures. West Virginia and the District of Columbia created pilot programs to explore the use of internet-based voting for military service members. All of the states had to provide extensive training to local election officials to ensure compliance with the MOVE Act.

While the overall effect of these changes has not yet been analyzed,³ some of the data indicates that the extended timelines for receiving and returning absentee ballots had a significant impact on a military voter's ability to return his or her ballot in time to be counted. For instance, data from California, Colorado, and Florida, show a significant reduction in the number of rejected military absentee ballots as compared to the mid-term election in 2006. Much of this reduction appears to result from the fact that few absentee military ballots were rejected for arriving after the election deadline.

The implementation of the MOVE Act, however, was far from flawless. There were at least 12 states that had one or more counties that failed to send absentee

³ Currently, the MVP Project is working with states to collect data regarding military voter participation rates, rejection rates, MOVE Act compliance, and existing barriers to military voter participation. We hope to issue our findings in June 2011.

ballots at least 45 days before the November 2010 election.⁴ While a vast majority of these violations were inadvertent, there were at least two states, New York and Illinois, where the violations were much more egregious. In New York, for example, after receiving a two-week waiver that allowed the state to begin mailing absentee ballots on October 1, 2010, 13 counties (including 3 in New York City) failed to meet this deadline and waited until October 5, 2010, or later, to mail absentee military ballots. Similarly, in Illinois, at least 35 counties failed to meet the 45-day deadline and, like New York, several counties waited until October 5, or later, to mail absentee ballots.⁵ In total, more than 45,000 military and overseas ballots were mailed less than 25 days before the November 2010 election.⁶

While the Voting Section of the Department of Justice negotiated settlements with both states, neither agreement failed to address the simple fact that mail delivery to overseas locations, especially war zones, may take as much as 30 days before the ballot is delivered.⁷ In other words, even though the Voting Section may have been able

⁴ The states include: Arkansas, Alabama, California, Indiana, Illinois, Kansas, Mississippi, Nevada, New Mexico, New York, North Dakota, and Virginia.

⁵ One local election official in St. Claire County, Illinois (home to Scott Air Force Base and affecting nearly 1,300 ballots), openly flouted the MOVE Act. He told one reporter, "This is not just like sending out your grocery list. . . . I really don't care what the Department of Justice thinks." See Kurt Erickson, "Regulators examine Illinois' military ballots," October 13, 2010, *available at* http://www.stltoday.com/news/local/govt-and-politics/article_08eefef6-d732-11df-89a0-00127992bc8b.html.

⁶ A vast majority of these ballots were from the three counties in New York City.

⁷ The challenges associated with mail delivery to a war zone were documented by the Government Accountability in 2004, which found that 25 percent of military mail took more than 18 days to make the one way trip to Iraq. Neal P. Curtin, OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved, GAO Report 04-484 (Washington, D.C.: Government Accountability Office, Defense Capabilities and Management, April 14, 2004), p. 9-13, *available at* <http://www.gao.gov/new.items/d04484.pdf>. The Military Postal Service Agency recommends that absentee ballots be sent at least 30 days before the election. See <http://hqdainet.army.mil/mpsa/vote.htm>.

to add a few days after the election for the ballots to be returned, some military voters—especially those serving at the front lines—would not receive their ballots prior to the election and, thus, would not be able to vote. At the very least, the Voting Section should have required New York and Illinois to use express mail delivery to ensure pre-election delivery.⁸

The Illinois settlement agreement also suffered from a more serious defect—it purposefully treated some military voters in Illinois disparately from other military voters in the state. For military voters in 65 counties where their county followed both federal and state law, they received 59 days to receive and return their absentee ballots—their ballots had to be sent 45 days before the election (MOVE Act) and they had a 14-day grace period after the election to return their ballots (Illinois state law). However, for those counties that violated the MOVE Act, the Voting Section treated the 14-day grace period as an offset for any violation and, thus, refused to provide the military voters in these counties with additional time to vote. Not only does this decision send the wrong message to those counties that violated the law (i.e., don’t worry about following the 45-day deadline because of the 14-day grace period), it treats military voters disparately based solely on whether their county follows the law. This is a clear violation of their right to equal protection.⁹

⁸ Ironically, the Voting Section had negotiated at least two agreements—one with Hawaii and one with Nevada—that required use expedited mail delivery services. See, e.g., Hawaii Memorandum of Agreement (available at http://www.justice.gov/crt/about/vot/misc/hi_uocava_moa.pdf); Nevada Letter Agreement (available at http://www.justice.gov/crt/about/vot/misc/nv_uocava_ltr.pdf).

⁹ As the Supreme Court emphasized in *Bush v. Gore*, 531 U.S. 98, 104 (2000), “having once granted the right to vote on equal terms, the state may not, by later arbitrary and disparate treatment, value one person’s vote over another.”

Illinois, however, was not the only state that ran afoul of the Constitution with the assistance of the Voting Section. The Voting Section advised Maryland, as well as other states,¹⁰ that it could avoid a potential violation of the MOVE Act by mailing, at least 45 days before the election, a ballot that only contained federal races.¹¹ When Maryland implemented this plan, the MVP Project and a deployed member of the Maryland National Guard filed a lawsuit, arguing that the plan would not provide military voters in Maryland with sufficient time to vote in state races and, thus, would deprive them of their fundamental right to vote. The federal judge agreed and required the state to provide additional time for the ballot to be returned.¹² This lawsuit helped more than 600 military and overseas voters who otherwise would have been disenfranchised.

Another area of significant concern involves the Voting Section's overall effort to enforce the MOVE Act in 2010. The MVP Project, along with members of this Committee and many other members of Congress, repeatedly raised questions about the Voting Section's efforts to ensure full compliance with the MOVE Act prior to the election. The Department of Justice—from the Assistant Attorney General down—emphasized that the Voting Section would “vigorously” and “fully” enforce the law. Yet, in a recent report entitled “Moving Forward, 2010 OVF Post Election UOCAVA Survey Report and Analysis,”¹³ the Overseas Vote Foundation indicates several provisions of the

¹⁰ In a recent panel discussion at the Overseas Vote Foundation's Fifth Annual UOCAVA Summit 2011 in Washington, D.C., Rokey Suleman, the Elections Director for the District of Columbia, indicated that the Voting Section provided him with similar guidance after the District of Columbia's waiver application was denied. It is unclear how many other states where provided this advice.

¹¹ Maryland's letter summarizing its understanding of the Voting Section's and FVAP's view of the MOVE Act can be found at: http://www.fvap.gov/resources/media/md_waiver_withdrawal.pdf.

¹² Doe v. Walker, No. 10cv2646, at 13-25 (D.Md. Oct. 29, 2010).

¹³ See www.overseasvotefoundation.org/files/OVF_2010_Post_Election_Survey_Report.pdf.

MOVE Act may not have been implemented in some states, including the provision that required a ballot tracking system and the provision that prohibited states from rejecting ballots without a notary's signature.¹⁴

In addition, the MVP Project and others have raised concerns about the manner in which the Voting Section investigates whether a state or county has complied with the MOVE Act, especially the requirement to send absentee ballots at least 45-days before the election. While the Voting Section repeatedly mentions the fact that it reached agreements with 14 states prior to the election, it fails to discuss the equally important issue of whether the cases were discovered and resolved in a timely manner. Nor does it discuss the fact that many of the 14 cases were discovered by third parties, including the MVP Project and other concerned citizens. While the Voting Section emphasizes how "rapidly" it acted, its rapid action has to be put in the appropriate context. In Illinois, for example, the Voting Section filed a complaint and settled the case less than two weeks after it discovered the violation, but it took more than three weeks to discover the violation. Three weeks is an eternity for a military voter that only has 45 days to receive and return his or her ballot.

Part of the Voting Section's problem arises from its superficial investigation of MOVE Act violations. Once again, the Illinois case is illustrative. Rather than calling local election officials in Illinois (i.e., the ones who actually know whether the ballots were mailed), a Voting Section simply sent an email to the Illinois State Board of Elections to see if the state complied with the 45-day standard.¹⁵ The State Board

¹⁴ *Id.* at 7-8.

¹⁵ The email, as well as story about the Voting Section's investigation, can be found at: <http://biggovernment.com/capitolconfidential/2010/10/15/exclusive-illinois-elections-officials-caught-lying-about-military-ballots/#more-182057>.

responded that the ballots were sent out on September 18, 2010 in compliance with MOVE Act. The truth, however, was that 35 counties failed to mail out their ballots and, in most of the cases, they were not sent out until October 5, 2008. Had the Voting Section called the individual counties, which is how the violation was ultimately discovered by a third party, then the violation would have been discovered and resolved much sooner.¹⁶

Ultimately, in order to ensure full compliance with the MOVE Act for the 2012 elections, the Voting Section has to ensure violations are discovered and addressed in a timely manner. It needs to investigate violations at the county or local level and, if more expedient, address those issues at the local level. And, to the extent it provides guidance to the states or settles a case, it must ensure that such advice or settlement complies with the Constitution and does not disenfranchise voters in state races. Finally, the MVP Project requests that the Committee consider a minor modification that allows military voters a private right of action under the MOVE Act and the Uniformed and Overseas Citizens Absentee Voting Act. That will ensure that military voters will be protected even if the Voting Section fails to fully defend their rights.

¹⁶ Ironically, the Voting Section had a nearly identical situation in Virginia in 2008 and, as a result, missed widespread failures prior to the election. These failures are well documented in J. Christian Adams' story, "Disgrace: DOJ Fails to Protect Military Voting Rights," July 26, 2010, *available at* <http://pajamasmedia.com/blog/disgrace-doj-fails-to-protect-military-voting-rights/?singlepage=true>.

The CHAIRMAN. Thank you very much.

We will now go to our round of questioning. I will start with 5 minutes.

First of all, I want to thank those of you representing West Virginia and Indiana and Florida. It appears, from what I have heard read and what you have said, that an excellent effort was made in those States to comply with the law. It looks to me like we are going to have to have a follow-up hearing on representatives from New York and Illinois to tell us why it was so difficult.

The major sponsor of the bill on the Senate side is Senator Schumer from New York. I find it—well, I find it difficult to believe that the people in New York would not have understood that that was something—and I have known Chuck Schumer for a long time, and I have never known the press unable to find him to be able to hear what he has to say. I am just surprised that election officials there had such difficulty.

Let me ask you, Mr. King, I actually went to school at Notre Dame in St. Joseph County, so I am surprised that that was the county that seemed to have difficulty, and you had to use a very sophisticated means of communication, called the telephone, to talk to the vendor.

I mean, what happened there? Someone just asleep at the switch? What occurred?

Mr. KING. Yes. Thank you, Mr. Chairman.

It is puzzling because St. Joseph County has a large professional, local election staff. It is clear that whether this was the result of using a vendor, perhaps, for the first general election, there had been a change in the ballot printing vendor used. But it was clear, I think, that there was confusion and ambiguity at both the county election office and with the vendor regarding the importance of MOVE and the importance of deadlines. We, in the election administration world, live and die according to deadlines.

The CHAIRMAN. Would they pay attention to it if individual members of the Armed Forces had the private right of action?

Mr. KING. Yes, I believe they certainly would.

The CHAIRMAN. Does anybody object to that here?

Mr. Eversole, you have a bit of a contrary position here to that of Mr. Perez, who has told us that they made it a priority in his section. They had 20 litigators, I believe, assigned to this. He talked about how they had contacted jurisdictions when they knew there was a problem or thought there may be a problem.

Do you find that lacking or was there lacking in follow-up after initial contact? What I mean by that is you can make initial contact—well, excuse me. He did say that they would take in information they received from others to sort of follow up or verify what they had heard from local election officials. Do you find that to be the case or what more could he have done or they should have done?

Mr. EVERSOLE. Well, I think that one of the issues here is the way they approach investigations which, quite frankly, is different than any other way that they approach other voting rights investigations.

In most cases, you call the county to find out if they have complied with the law, because the county is the one that is respon-

sible for it. They certainly do that in language minority cases. And so in the context of voting cases, the general procedure, unless—and Mr. Perez’s testimony, I think, was pretty clear on this, that they contacted the counties on occasion when they got advice that a particular county had violated the MOVE Act.

But their other investigative technique, when they didn’t get a specific complaint, was to simply call the State. And the result of this kind of contacting the State, who then has to contact the counties, that is a roundabout way of getting the information that you ultimately need and that delays a timely resolution of it.

The Department of Justice has now been burned on this a couple of times. In 2010, they were burned on it by Illinois. There are plenty of e-mails saying that the Department of Justice contacted the State. The State said we are good to go. It never happened. The same thing, though, happened to the Department of Justice in 2008 in the Virginia case, which it didn’t discover until 3 days before the election and after Senator McCain or the McCain campaign had brought the lawsuit.

So there is a failure there. It has to be improved. They have to call the counties.

The CHAIRMAN. Maybe we need to specify that in the legislative language, and maybe we need to take a look at that.

Mr. Jones, in your written testimony you say, one out of every four ballots requested by military personnel and other Americans living overseas for the 2008 election may have gone uncounted, according to findings being released to a Senate hearing Wednesday. Can you elaborate on these findings?

Mr. JONES. The findings refer to 2008 which was a part of the basis of your action and the actions of your fellow members to pursue the MOVE Act.

We don’t have an accurate count at the present as to how many people who requested a ballot—we don’t have the ratio now, but we do know that perhaps as many as 370,000 military voters did not have a ballot returned.

I spoke of the 67 percent failure of ballot return. We don’t know exactly the reason for that. It could be anything. I mean, for example, Eisenhower didn’t make his first vote until he was running for President. So there may be a culture still within the military of attending to military items and not necessarily taking election action. They might have requested a ballot and not returned it.

But we really don’t know exactly what the problem is there, but we do know the MOVE Act has taken us in the right direction. It does offer a better door opening, and it does offer a better opportunity to pass through that opening so these folks can have a ballot counted if they choose to vote.

The CHAIRMAN. Thank you very much. My time has expired.

The ranking member is recognized.

Mr. BRADY. Yes, Mr. Chairman, thank you.

What I am confused about, Madam Secretary, how many counties are in West Virginia?

Ms. TENNANT. There are 55 counties in West Virginia.

Mr. BRADY. Mr. King, how many in Indiana?

Mr. KING. There are 92 counties, sir.

Mr. BRADY. Mr. Stafford, in Florida?

Mr. STAFFORD. Sixty-seven.

Mr. BRADY. I would bet that my math isn't good at all, but we will say 250, close to it, what you just gave me. That means like just in the three States that are here today there are three different kinds of pieces of literature going out to our servicemen and women that look different, would not actually have different names on them, but, you know, different vendors have put out ballots in different ways.

So that itself probably confuses them because—Madam Secretary, your husband will be over there, and I hope, God bless him, he gets back safely, but he will be next to somebody else that will be comparing each other's notes and about ballots. That confusion is hard enough to deal with, but my problem is the timing.

I understand the back end. I understand it doesn't do any good to vote for somebody before an election was certified. It is too late. But the front end, why 45 days? I know when my election is, I know when my primary is, and I know before my primary when my general election is, and that is way before 45 days. Why are we not holding our men and women that are supporting us and put in harm's way to the same standard that we hold our regular citizens? I don't think they are regular citizens. I think that they have a kind of special, you know, consideration we need to give them.

But why the 45 days? I noted I have an election primary in May, but I also know November 8 is my general election. That is 6 months. That is not 45 days. Why can't we work something between the 6-month period to be able to ensure that they get these ballots and give them more time to get them back to us? Is there any reason why that—yes, sir.

Mr. STAFFORD. Two reasons, speaking on behalf of Florida. One, you have got qualifying that occurs. You have to know who is actually on the ballot before you can send the ballot to those voters.

Mr. BRADY. I know that is 6 months before a general election.

Mr. STAFFORD. It depends from jurisdiction to jurisdiction, from State to State.

Mr. BRADY. I understand some primaries are shorter.

Mr. STAFFORD. Correct. And then you have—after the primary election, you have to then redo your ballot to prepare your ballot for the general election. Because, obviously, you are not going know who your Senate—your Republican Senate candidate and Democratic Senate candidate is until after the primary election. So that takes time. Once the election is certified, then ballot preparation begins all over again.

Mr. BRADY. When is Florida's primary?

Mr. STAFFORD. It is the end of August. I don't have the specific date in front of me.

Mr. BRADY. August and your general is in November.

Mr. STAFFORD. Yes, sir.

Mr. BRADY. So 45 days actually takes you right up to the deadline, almost?

Mr. STAFFORD. We actually had to go in and they adjusted the primary back a week to provide for more time for us to—

Mr. BRADY. Is this the waiver you would need?

Mr. STAFFORD. No, sir, this was done prior—

Mr. BRADY. And there are other States I am sure that fall into that category, but the ones that don't—I am confused—I am not confused. I am stuck on this 45 days. Why is this just 45 days when the State of Pennsylvania—I know 6 months, 6 times 3, 180 days, that, you know, I know who our people are. Why couldn't we get it to our military people?

Ms. TENNANT. If I—

Mr. BRADY. I mean, if we know and States that do know, why don't we mandate that they get it to them so at least you have some—I don't know how many throughout the country are that closed in on primaries as opposed to going to generals. I know some are not. I know New York is. I know a lot of them are.

Yes, I am sorry. You were going to say something.

Ms. TENNANT. Well, if I may add to the conversation, because there are deadlines and requirements that lead up to an election for a vendor to be able to print the ballots or program the ballots, also.

In West Virginia, we have an August 1 deadline because we also have independents that we have to allow access to the ballot. As chief elections officer, that is a priority for me in allowing others to get on the ballot. And they have until August 1 to be able to get enough signatures to have access to the ballot. So that is one requirement.

We in West Virginia also made it 46 days instead of 45 days. And if you are asking for suggestions on the MOVE Act, you might want to move it to 46 days because 45 days before a Tuesday election is a Saturday. According to West Virginia State code, if something happens on a Saturday and is moved to a Monday, so that is why we moved it to 46 days to have a Friday as the deadline.

So it is a work in process, and it is part of the regulation and deadlines and timelines that we have.

Mr. BRADY. Okay. So to ask all of you—and I won't get an answer. I think my time will probably run out. But if you can get back to me. What could we do? I would like to know what you think you could do to make this process work, because I am offended that our men and women can't or don't have the right or don't have the ability to have the right to vote.

And what can we do in legislation? And we have a chairman that is ready and willing and able to put whatever he needs to put in legislation and argue that point, and I am happy to agree with him. What can we do to give it any kind of teeth to make this absolutely work for our men and women that are in harm's way?

My time is up, but if you can get back to me with that on both of them and let me know what your ideas would be, I would appreciate that. Thank you and thank you for your time here today.

The CHAIRMAN. Again, if you could submit some responses to that in addition to your testimony, we would certainly appreciate it. There may be other members that will submit specific written questions to you, and we would ask that you respond to that in a timely fashion as well.

[The information follows:]

The CHAIRMAN. The gentleman from Florida.

Mr. NUGENT. Ms. Tennant, thank you so much for the service of your husband. I certainly know what it is like to have a family member deployed.

In regards to online voting, could you explain that a little more in regards to how you were able to keep the security level up? Because, obviously, the District of Columbia had a debacle in regards to online voting.

Ms. TENNANT. We get that question a lot now, especially with what happened in D.C.

The difference that we had, we used two well-known vendors, Seytl USA. And Everyone Counts, Incorporated who do online voting.

The difference between West Virginia's pilot program that we used for our primary election, a special election that we ended up having, and then for our general election was different than the D.C. Board of Ethics and Elections because they did an in-house program that they developed in house, and they used open source technology, and then on the day of their public testing they allowed folks to take a look at it and request credentials to enter into the system and test that.

So theirs was open source. They opened it up to the public, where we kept it secure, obviously, and, you know, continued to secure it through encryption methods similar to what the military might use, through unique personal identifiers, through the one-on-one relationship that the voter had with the county clerk and able to use the passwords, the encryption, the personal identifier and those means to have ours secure and still remind folks that it is a felony to attempt to interfere with an election.

Mr. NUGENT. I would hope, at least on our military that is currently overseas and particularly those that are like in Afghanistan or Iraq—you know, my son would go out on missions 15 days at a crack. You don't have access. And so, obviously, if we could do online voting just for our military, through DOD, that would be a huge—I would think a huge step in the right direction of getting back a vote so it is there on time, so it actually counts.

You know, Mr. Eversole, I appreciate your comments, particularly as it relates to the Attorney General's office, Mr. Perez. I felt that the answer I got as it related to the regulation was somewhat misleading; and so I would like you to expand upon that particular issue, particularly with regard to DOD requesting guidance from DOJ and not getting it.

Mr. EVERSOLE. You know, all I can tell you is, because I obviously wasn't in the room, but numerous stories have been published and in the papers about some of the difficulties that DOD had with receiving timely guidance from the Department of Justice and, in particular, the voting section.

In fact, notwithstanding what Mr. Perez said back in February, some of his career attorneys spoke at the National Association of Secretaries of States meeting. They specifically told the States that they were in the process of issuing guidance that never came, and there is a public record of this in the minutes that is very telling.

But one of the other things that was very disconcerting, because it set the tone, in my view, on compliance, was that the voting section career attorney specifically got up after the director of the Fed-

eral Voting Assistance Program and disagreed publicly with his analysis of the law.

So, from the very get-go, you have the Department of Justice providing input in a public setting that, quite frankly, is contradictory or at least not the whole context that Mr. Perez spoke about during his testimony. And that discussion, in my view, at the National Association of Secretaries of State, 4 months after the law was issued, where they still hadn't agreed, set the tone for enforcement throughout the rest of the 2010 elections.

Mr. NUGENT. My concern at this point is as it relates to redistricting, what is going to happen in the 2012 election. I would open that up to any person.

And, Mr. Stafford from Florida, I certainly appreciate it. My son did Ranger training in the swamp portion. He had great comments about the swamp in Eglin Air Force Base.

Mr. STAFFORD. Over at Eglin.

Mr. NUGENT. Yes.

Mr. STAFFORD. You know, it is funny you just mentioned that. I was just thinking about that very—where the Justice Department again will play a very important role, particularly in States like Florida where we are—we are not a pre-clearance State, but since we have pre-clearance counties we are, in essence, a pre-clearance State. So the Justice Department will be involved in that aspect.

And there is a great concern, I can tell you, among the State legislature there that ultimately our districts are going to end up—congressional districts are going to end up in the Federal court system and that is ultimately going to, you know, be the final arbiter of what the districts look like. And that process takes a tremendous amount of time. So that, as far as calendar, Congressman Brady, can throw everything into the mix.

And then you are relying on Federal write-in absentee ballots, things along those lines. So that something is that definitely I would think would be on the committee's radar screen looking forward.

The CHAIRMAN. The gentleman's time has expired.

The gentlewoman from California.

Ms. LOFGREN. Thank you. Mr. Chairman.

I wanted to cycle back on the Internet voting issue, because I come from Silicon Valley. I am, you know, into technology, but I also understand the risk at times, and the fact that a proprietary system is used, instead of open source, really has nothing to do with the security issue.

I would like to ask unanimous consent to put in the record a report that I received when I chaired the Election Subcommittee from voter action that reviews some of the technology issues on Internet voting.

Specifically, the Department of Defense 6 years ago commissioned themselves, a panel of experts, to review this possibility. Obviously, they want the troops to be able to vote; and they determined that it was not possible to secure the privacy, the security, or the accuracy of votes over the Internet. And it is not the software; it is the architecture of the Internet that they fingered.

The Government Accountability Office in 2007 did a study and found that Internet voting is most vulnerable—this is a quote—to

privacy and security compromises and that available safeguards may not adequately reduce the risk of compromise.

And then, in 2008, NIST, which is the gold standard in the Federal Government for technology analysis, found that the technology that is widely deployed today is not able to mitigate many of the threats to casting ballots on the Web.

And then, in 2008, 30 leading computer science experts and professors at major universities signed a statement asserting that until serious, potentially insurmountable technology challenges are overcome, permitting the Internet to be used for public elections is an extraordinary and unnecessary risk to democracy.

Ms. LOFGREN. So this is pretty serious stuff that they have talked about.

Now, I would hope—you know, the District of Columbia was going to do an internet voting, and I think they are glad that they asked a Web team to come in. Because when they had the University of Michigan computer science team come in, they were able to get into their system within 36 hours and change votes. I mean, it was an experiment; they didn't actually affect the election, but they were able to change votes and to change the whole system. So this is really not something that is ready for prime time.

And I would hope that any jurisdiction that is using Internet voting brings in some Web teams to hack your system, because the last thing we can afford as a Nation is suspicion that the system itself is not yielding actual results. I just think to undercut the confidence that Americans have in the integrity of the system would be devastating. So that is me on my high horse.

The CHAIRMAN. Without objection.

Ms. LOFGREN. And I will submit this for the record.

[The information follows:]

Ms. LOFGREN. I wanted to ask Mr. Jones a question.

I was interested in your testimony about the, referring to the UOCAVA survey report where voters who use electronic methods to request the ballot were actually less likely to receive a ballot. Do we have any idea why that would be the case?

Mr. JONES. Unfortunately, we don't. But that was a result of the survey that was put out by OVF, which is one of our partner organizations in the Alliance. In looking at the detail of that survey, all we have essentially is the number of people surveyed, the scientific portion of it, whether or not it has some science to it. And it seems to check out on all those sorts of regards. But this is just one of those surprising elements that came out in that survey.

Ms. LOFGREN. Well, I am just wondering if maybe after the hearing, I know my time is almost expired, if any of the witnesses have thoughts on how we could improve that. Because I really do believe that using technology, at least to get the ballot out there, is going to end up being a very important element to getting timely information and access to our servicemen and women. But this is a very disturbing finding.

Mr. JONES. Some of the other things that may help is that the registration will be a single cycle registration for voting in the future. And some of these registrants had registered two cycles before so there may be a lot of movement.

Ms. LOFGREN. We were working on an Internet registration bill with the secretaries of state and registrars and voters to try and facilitate, obviously for everybody, but that would be particularly important for servicemen and women who might not have registered before they left. So maybe that is also a part that we could look at.

Mr. JONES. I couldn't agree with you more about the pilot projects for live voting. I mean, the Food and Drug Administration won't allow experiments on humans until they have been proven to have worked on some other area. So these pilot projects ought to be worked on other than real elections.

Ms. LOFGREN. Well, I think so. And I will just close, Mr. Chairman. Google is in my county, and they have some of the smartest technology people and scientists and computer scientists I have ever run into with strong encryption, and they were unhappy that their system was hacked. And they made some corrections subsequent to that. Technology is a wonderful thing, but we need to also understand our vulnerabilities.

And I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

And I hope the members of the panel understand that in addition to the testimony that you have submitted, we are eager to hear any other suggestions you might have that will help us in our pursuit of perfecting this law.

The gentleman from South Carolina is recognized for 5 minutes.

Mr. WILSON. Thank you, Mr. Chairman.

And Ms. Tennant, I want to thank you for your husband's service. I share your appreciation of persons in the military service, as a veteran with four sons who are currently serving in the military, three who served in the Middle East. Thank you.

And then I share the concern of Congressman Nugent. There are concerns about delay next year with redistricting. I—for our election commissioners—I have absolute faith with oversight by the chairman, but we are going to monitor redistricting. You have new lines; Federal, county, municipal, one man/one vote. You have the potential for split counties, split precincts, total chaos, new voter registration cards, litigation, and so there is going to have to be a lot of planning, and so I wish you well. But we know that is coming and so we need to be prepared so that that is not a reason for delay of getting ballots out.

I want to thank Mr. Jones for being here and the military alliance, or the Alliance for Military Voting. The National Association for Uniformed Services has been a champion for military families and servicemembers and veterans. With that, Mr. Jones, you indicated that 370,000 ballots possibly were not returned. Do you have remedies that could assist on this?

Mr. JONES. We are working with the Federal Voting Assistance Program. The director is also very concerned about this area, as are all of the members here. We do want that corrected. We don't quite understand the failures there, particularly as compared to the general public in absentee balloting. We will be looking into it, sir.

Mr. WILSON. Well, again, we can count on your organization. We appreciate it.

And Mr. Eversole, the information you brought is really disturbing—that the guidelines were not provided with the Federal Voting Assistance Program waiver delays. You identified Wisconsin and Maryland. And thank you for bringing the lawsuit successfully in Maryland. That was just so important. But in particular, other States, Illinois, New York, what was the problem in those two States?

Mr. EVERSOLE. Well, in Illinois, they essentially gave the counties a pass, because in the 57 counties that followed the law, the military voters in those counties received 59 days to receive and return their ballots. They got 45 days up front under Federal law, and they got an additional 14 days after the election to have those ballots returned. The Department of Justice used that 14-day State law as an excuse for the counties that didn't send out the ballots in a timely manner and basically said, well, yeah, they didn't send it out in a timely manner, so they sent it out 10 days late, but we will just eat up 10 days of this State law so that you only get 50 days to receive and return your ballot.

So, again, there is an equal protection issue there because some servicemembers in some counties are getting 59 days; in other places in the same State, as a direct result of the local election official's unwillingness to follow the law, those servicemembers got substantially less. And you know, from a practical perspective in Illinois, what kind of message does it send if the local election official willingly violates the law and there is no real remedy for the servicemembers?

I think Mr. Brady was talking about the carrot and the stick. There was neither a carrot nor a stick in that context; they simply got a pass.

In New York, the biggest problem there was the fact that New York in many instances sent out ballots somewhere between 28 and 22 days before the election. As I tried to mention in my testimony, there is pretty well established evidence that it takes at least 30 days for a ballot to make it to a forward operating location. And in fact, the Military Postal Service Agency director testified at the Overseas Vote Foundation conference, and he said that to get to some ships using express mail delivery, it was taking more than 20 days. And so in a situation like New York and in Illinois, they should have required express delivery, especially if the person is located in an overseas location and serving this country in a war zone, and that didn't happen.

Mr. WILSON. And you indicated equal protection and also prioritization. Congressman Schock brought to our attention that the ballots were personally delivered to the Cook County jail but were not provided to our military servicemen.

Mr. Jones—

Mr. JONES. My one comment, we had heard anecdotally that one of the concerns in New York—of course, Mayor Bloomberg was very upset with the process there. But one of the questions was, do we comply with the law, the MOVE Act, or do we save money by not issuing the ballot in a timely fashion? So there is a compliance-versus-cost issue in some of these late counties.

Mr. WILSON. Thank you again.

And I look forward to working with the chairman in regard to possibly a private action.

The CHAIRMAN. Well, I would just say compliance and cost, the cost of our military service is very dear.

I know you are not saying it, but we ought to extend every effort that we can to make sure they have the right to vote. And I will be working with the ranking member to see if we can delve a little bit further into the question of what happened in those two major States. The gentlelady from California, our clean-up hitter to bring us on home.

Mrs. DAVIS. Thank you, Mr. Chairman.

I hope I can clean this up.

I appreciate it, and I know that the committee is very concerned about it. The equal protection issue is very important when it comes to voting, and I know the chairman knows that I have been a strong advocate for this. As we look at some of the differences and the things that we actually can change under the Constitution that would work better, not just for our servicemembers, but for all people who vote in this country and want to vote in this country. We know that there are circumstances when people are disenfranchised for no fault of their own, and that is a problem.

I wanted to turn to the tracking issue for a minute because Mr. Stafford and Mr. Jones both mentioned that. And we know that in California, and again the chairman is well aware of this, that all counties now have established absentee voting, absentee ballot tracking systems. And the system is inexpensive, it works very well and it really gives people a great level of confidence, which might be why we have such a large number of people who actually request a ballot, or even permanent absentee ballot voters who return their ballots, and then they contract them. They know when they arrived. They know when they were counted. And that gives people really a whole different feeling about their ability to vote. And so we think that is important for our servicemembers as well.

That was built into the MOVE Act, but only in a limited way. And so I wonder if you could speak to that a little bit. The Voter Foundation Report that came out said only about 10 percent of local election officials reported using the tracking system; only 10 to 20 percent of UOCAVA voters reported using the system; and many said that they didn't even know that tracking was possible. So what is it? I mean, why do election officials not advocate as strongly as perhaps they could for such a system.

In San Diego, when we started—it is a feature that received 98,000 hits before our last election. So, clearly, it works for people. Do we need more enforcement of the provision? What would make a difference? And do you think that the provision of the tracking system, the MOVE Act, could and should be expanded to the civilian populations as well? Would you comment?

Mr. STAFFORD. We do expand it to the civilian population in Florida. I think perhaps the biggest detriment is there is just a lack of awareness out there. Now, as I said in my testimony, I think a much better job needs to be done to be able to communicate to the voters what these tools are. For instance, the ballot—talking about the delivery, I mean, there are these ballot—I don't know if you all are familiar with the Wizard, FVAP Wizard, and each State had

its own ability to develop it for their own particular state using money from FVAP.

And it basically is like a secure link. It goes to the voters so there is not actually transmitted material. They go up to this link. They put their information in, they get their particular ballot, fill it out online, print it and send it back. So the communicating to the voter is really instantaneous once that information is prepared by the supervisor of elections or the equivalent in their particular jurisdiction.

So I just, quite honestly, think it is a lack of awareness of the tools that are out there. Because we saw, I think—I don't know what the numbers look like, but we just didn't get a great number of—

Mrs. DAVIS. Whose job is that?

Mr. STAFFORD. Well, I think it is everybody's job. I think it is the chief election official in your particular State, certainly it is the jurisdiction who owns that voter, if you will, to be able to get that material; I think it is the military's job. We have, as you all know, voting assistance officers. We have some that do a fantastic job and others that don't. And we understand that they are secondary or tertiary duties for these folks that have many, many other things, arguably more important, in their day-to-day business than doing this. But again, with the speed of instantaneous information and cost-free getting this information out, I think everybody can and must do a better job. Because I think if we got utilization, full utilization or fuller utilization of the tools that are already available in many States and jurisdictions, a lot of these problems would be addressed.

Mrs. DAVIS. Thank you.

If I may, Mr. Chairman, because I know that time is running out. Just very quickly, and I will submit this for the record.

[The information follows:]

Mrs. DAVIS. I have a Marine fellow on my staff who had a great suggestion where we would put—taking the military member's LES, their Leave and Earnings Statement. They receive that every month. They look at it, of course, because it is their pay stub. And you could have some simple voting information on that that would direct them and help them to be reminded about their ability to vote absentee and to get that information.

Because there still is, as I mentioned earlier, there still is a tremendous amount of confusion about deadlines. And if that deadline were on there and the fact that that person had the ability to just move on and get that information within a timeframe would be very, very helpful.

I don't know, Mr. King, did you want to add something real quickly.

Mr. KING. Thank you, Representative, yes. In terms of information to voters, Indiana law provides that every absentee voter receives a document called the Absentee Voter's Bill of Rights, which sets forth important information for the voter and their recourse if an absentee ballot is not delivered. And it seems that would be a good mechanism to inform absentee voters about the ability to check the status of their ballot.

Mrs. DAVIS. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

This concludes our hearing today. When I found out I was going to have the pleasure of being chairman of this committee, I announced that we were going to have this as our first hearing because I thought there is nothing more important than us protecting the rights of voters, particularly those serving us around the world. And I want to thank my colleagues on both sides of the aisle for their bipartisan spirit in which they have dealt with this issue and the bipartisan spirit I think that we will go forward on this to try and remedy some of the shortcomings that we have found, and also find why maybe some people didn't think we were serious when we enacted the law the first time around. We will make sure that that seriousness is duly noted.

As I mentioned before, the hearing record will remain open for 5 legislative days so that members may submit any materials they may wish to be included therein.

And again, you may receive some written questions from some members, and we would ask your help in getting that back to us as soon as possible. Thank you very, very much.

[Whereupon, at 12:50 p.m., the committee was adjourned.]

DANIEL E. LINGREN, CALIFORNIA
CHAIRMAN

Congress of the United States

House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1308 Longworth House Office Building
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

The Honorable Thomas E. Perez
Assistant Attorney General for Civil Rights
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Perez,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by March 21, 2011**.

1. On what date and from what source did your department first learn about the MOVE Act violations from the state of:
 - a. Illinois
 - b. New York
 - c. California
 - d. Nevada
 - e. Indiana
2. Did any private organizations or individuals contact the Department of Justice reporting MOVE Act violations? Please provide the Committee with a detailed report of:
 - a. how many entities contacted the DOJ informing the Department of MOVE Act violations;
 - b. all the violations or concerns expressed by each of these entities including any proof they may have offered to back up their assertions; and
 - c. when was the Department contacted by the entity
3. How many states reported to the department that they had fully complied with the MOVE Act only to later find that these assurances were in error and there were actually violations within that state? What states were they?

DANIEL E. LINGREN, CALIFORNIA
CHAIRMAN

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

4. Does the DOJ play any role in the development of state hardship waiver guidelines for the MOVE Act? What is that role?
5. Did the Federal Voting Assistance Program (FVAP) ever transmit draft state hardship waiver guidelines to the DOJ for review? If so, when did FVAP transmit those draft guidelines? Did the DOJ ever provide a written response to those guidelines? Why do you think the waiver guidelines were never issued? Please provide the Committee with a timeline of any communication the DOJ had with FVAP regarding state MOVE act waiver guidelines.
6. What is your office doing to ensure that state MOVE Act waiver guidelines are issued for the next election cycle?
7. At the hearing, you stated that FVAP consulted DOJ when granting waivers. Please explain that process. What kind of input did DOJ provide? What were the criteria the Department looked at when deciding whether or not to advise FVAP to grant a state waiver? Did FVAP always follow the DOJ's recommendations? Please provide a timeline of any communications DOJ had with FVAP regarding the granting of waivers and for what states.
8. The late notice for states who had applied for waivers constituted a significant hurdle for their compliance. If states had known earlier on in the process that they would not receive a waiver because of a late primary, the state may have been able to change their election laws to comply with the MOVE Act. What steps are you taking to prepare for state MOVE Act waiver requests that are going to be extremely time-sensitive given the round of redistricting that is occurring?
9. What steps are you taking to ensure that States receive prompt notice of when they can submit a waiver request?
10. States provide the federal government with large amounts of data concerning UOCAVA ballots. Does your division review this data after every election?
 - a. If your division reviews the data, what actions have you taken based on the data?
 - i. The last public report from the EAC in 2008 showed that over 45% of the UOCAVA ballots received by New Jersey were rejected for various reasons. Have you looked into the reasons for why so many ballots were rejected last election?

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

11. Could you please provide any information or reports that you received from states as a condition of their consent decree, waiver, memorandum of agreement, or any other similar such document?
12. In the past, the DOJ has required express delivery of outgoing ballots in order to ensure voters received their ballots and were able to vote before Election Day. In the case of Illinois and New York, was express ballot delivery considered as a possible remedy? Why did the Department choose not to use express delivery in these cases? When did the DOJ anticipate that the last of the ballots would arrive to the voters?
13. What is the Department's process for investigating potential problems under Sec. 203 of the Voting Rights Act? Does the Department call counties directly in order to find out if counties complied with the law? If so, why does the Department call counties directly for Sec. 203 compliance but not for MOVE Act compliance?
14. How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into violations of the MOVE Act? How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into violations of section 7 of NVRA? How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into violations of section 8 of NVRA? Please provide a month by month breakdown between June 2010 through February 2011 for each answer.
15. How many individuals did the Department of Justice dispatch to states and localities to investigate potential election law violations between June of 2010 and February of 2011? How many total hours did each of these individuals spend in each locale? Please provide a state by state breakdown of how many investigators were sent out, where they were sent (including the city or county), how many total hours they spent in each area, what potential violations of the law were referred to you that caused you to send investigators and the current status of each investigation. For each investigation, identify whether the investigation pertained to a possible violation of the MOVE Act, NVRA section 7, NVRA section 8, or none of those.
16. Which states were models of effectiveness and what states need improvement? Are there states that you know of that will not be in compliance with the MOVE Act by the start of the 2012 primaries?
17. What tools can Congress give you to improve compliance with the MOVE Act?

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

18. How were you able to work with FVAP and the EAC to have compliance with the Act?
19. What are your thoughts on allowing for a private right of action, not just for military voters but for all Americans whose right to vote is denied?
20. How does DOJ measure compliance with the MOVE Act?
21. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?
22. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Daniel E. Lungren
Chairman, Committee on House Administration

**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 25, 2011

The Honorable Daniel E. Lungren
Chairman
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed please find responses to questions for the record arising from the appearance of Thomas E. Perez, Assistant Attorney General of the Civil Rights Division, before the Committee on February 12, 2011 at a hearing regarding the Military and Overseas Voter Empowerment Act (MOVE Act).

We apologize for the delay and hope that this information is of assistance to the Committee. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter. The Office of Management and Budget has advised us that from the perspective of the Administration's program there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Weich".

Ronald Weich
Assistant Attorney General

Enclosure

cc: The Honorable Robert A. Brady
Ranking Minority Member

Written Questions of Chairman Daniel E. Lungren

Thomas E. Perez, Assistant Attorney General of the Civil Rights Division, Department of Justice
Hearing before the U.S. House of Representatives Committee on House Administration
Regarding the Military and Overseas Voter Empowerment Act (MOVE Act)
February 12, 2011

- 1. On what date and from what source did your department first learn about the MOVE Act violations from the state of:**
- a. Illinois**
 - b. New York**
 - c. California**
 - d. Nevada**
 - e. Indiana**

Answer:

With regard to specific matters, as with all of our law enforcement efforts, the Department's practice is not to disclose the exact dates on which and sources from whom we may have obtained information pertinent to investigations of possible noncompliance with the law. By longstanding policy, the Department does not disclose this type of information from investigative files related to our law enforcement and litigation decisions in civil matters. Revealing information regarding the Department's specific sources of evidence, litigation plans and preparations, and work product could undermine the effective and independent law enforcement that the Department is charged with executing. Notwithstanding these important institutional concerns, however, I understand the Committee's question to seek information more generally regarding how and when our investigations of UOCAVA compliance for the 2010 Federal general election cycle began, and in this regard I am happy to expand on my description of our overall investigative and enforcement approach. In April 2010, just a few months after the MOVE Act's amendments to UOCAVA became law, and six months before the 2010 Election Day, the Department sent letters to all covered States¹ reminding them of the MOVE Act's requirements and requesting information about their plans for complying with the law. The Department also formed a team of attorneys to monitor UOCAVA compliance and to track legislation proposed by several States to enable them to meet the Act's requirements. Throughout this time period, and concurrent with our outreach to the States, the Department also consulted regularly with the Federal Voting Assistance Program (FVAP) at the Department of

¹ UOCAVA's requirements apply to the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa. See 42 U.S.C. §§ 1973ff-1; 1973ff-6(6). For the sake of simplicity, and consistent with the statutory usage, these answers will refer to all covered jurisdictions as "States." See 42 U.S.C. § 1973ff-6(6).

Leading up to and after the September 18, 2010 deadline for transmitting timely-requested absentee ballots, *see* 42 U.S.C. § 1973ff-1(a)(8), and continuing through Election Day, the Department continued actively investigating nationwide compliance with the MOVE Act, including gathering, analyzing, and following up on information from multiple sources regarding when States had mailed or would mail absentee ballots to UOCAVA voters. Our fact-gathering and enforcement efforts continue to the present, as we actively monitor compliance with the court orders, consent decrees, memoranda of understanding, and letter agreements we reached with the 14 States in which we acted to remedy UOCAVA violations.

Information from all of the sources we contacted and continue to contact – Secretaries of State, state and local election directors, DoD and other federal agency contacts, advocacy groups, individual voters, media reports, and other sources – was critical in our enforcement efforts. As soon as we learned of a concern from any of these sources, we immediately investigated that concern; and upon learning of any potential violations, the Department entered into immediate discussions with the relevant State to discuss the need for an urgent remedy.

2. **Did any private organizations or individuals contact the Department of Justice reporting MOVE Act violations? Please provide the Committee with a detailed report of:**
 - a. **how many entities contacted the DOJ informing the Department of MOVE Act violations;**
 - b. **all the violations or concerns expressed by each of these entities including any proof they may have offered to back up their assertions; and**
 - c. **when was the Department contacted by the entity**

Answer:

As with all of the statutes the Civil Rights Division is charged with enforcing, we gathered compliance information from various sources that included advocacy groups and individuals. In some instances, the information received in this manner corroborated other evidence we had already received; in other instances, the information provided by private groups or individuals was inaccurate or inconsistent with other evidence we had gathered. In each case, we investigated all reports of possible noncompliance as soon as we learned of them; and upon identifying any violations, the Department entered into immediate discussions with the relevant State to discuss the need for an urgent remedy. Disclosing the specific sources of evidence and potential witnesses from our investigative files, however, would be contrary to longstanding Department policy, and could undermine the effective and independent law enforcement that the Department is charged with executing.

More generally, based on our experience enforcing UOCAVA, private organizations and individuals play a critically important role in providing information about UOCAVA implementation and other issues. I spoke at the annual UOCAVA Summit of the Overseas Vote Foundation in February 2011, and had the pleasure of participating in a robust discussion of MOVE Act implementation as experienced by all stakeholders, including state and local government officials, representatives of servicemembers and overseas citizens, and other advocates and organizations. This type of outreach is critical to fully understanding what went

well and what can be improved in terms of UOCAVA compliance, and the Department will continue affirmatively reaching out to private organizations and individuals for their insight and assistance.

3. How many states reported to the department that they had fully complied with the MOVE Act only to later find that these assurances were in error and there were actually violations within that state? What states were they?

Answer:

We note that in the public record of the Department's UOCAVA lawsuit against Illinois, the State advised the court that "[a]fter inquiries were made by the United States Justice Department about whether the state's election authorities were complying with UOCAVA, the parties became aware that some election authorities had not timely sent out ballots on September 18, 2010 (45 days before the election), and that some may not have sent ballots electronically to voters who expressed that preference." Defs.' Response to Petition to Intervene 2, *United States v. Illinois*, No. 1:10-cv-06800 (N.D. Ill. 2010). The Department is unable to provide further information in response to this question regarding the specific facts developed during other investigations, for the reasons described in our responses to Questions 1 and 2 above.

4. Does the DOJ play any role in the development of state hardship waiver guidelines for the MOVE Act? What is that role?

Answer:

DOJ does not have any statutorily-assigned role in developing hardship waiver guidelines, and UOCAVA does not require that waiver guidelines be issued. See 42 U.S.C. § 1973ff-1(g). Waivers are granted by the Under Secretary of Defense (Personnel & Readiness).

As implemented, UOCAVA provides that the Secretary of Defense has primary responsibility for Federal functions under the Act, while DOJ has civil enforcement authority and, in some instances, a consultative role with the Department of Defense (DoD). See 42 U.S.C. §§ 1973ff(a), 1973ff-1(g)(2), 1973ff-4(a); Exec. Order No. 12,642, 53 Fed. Reg. 21,975 (June 8, 1988). UOCAVA provides that "[t]he President shall designate the head of an executive department to have primary responsibility for Federal functions under" the Act. 42 U.S.C. § 1973ff(a). In accordance with this statutory requirement, the Secretary of Defense has been designated the "Presidential designee" for administration of the Act. See Exec. Order No. 12,642, 53 Fed. Reg. 21,975 (June 8, 1988). The Secretary has, in turn, delegated those responsibilities to the DoD Under Secretary of Defense (Personnel & Readiness). See DoD Directive 1000.04, "Federal Voting Assistance Program," § 5.1 (Apr. 14, 2004).

With regard to the approval of waiver requests under the MOVE Act's hardship exemption, the statute assigns that responsibility to the Presidential designee – that is, the Secretary of Defense – in consultation with the Attorney General. See 42 U.S.C. § 1973ff-1(g)(2) ("After consulting with the Attorney General, the Presidential designee shall approve a waiver request" when the stated requirements are met.). In addition to this consultative role with

regard to waiver determinations by the Secretary of Defense, the Attorney General is also assigned the authority to bring appropriate civil litigation to enforce UOCAVA.² *See* 42 U.S.C. § 1973ff-4(a) (“The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this subchapter.”).

To carry out the Attorney General’s dual statutory role – consulting with DoD regarding the Secretary of Defense’s waiver decisions, and bringing civil litigation where appropriate to enforce the law – DOJ consulted with DoD’s Federal Voting Assistance Program (FVAP) and Office of General Counsel, beginning shortly after the MOVE Act became law, concerning the process and standards for hardship waivers under the Act. Continuing through the statutory deadline for the Secretary’s waiver determinations, *see* 42 U.S.C. § 1973ff-1(g)(3), DOJ provided regular and close consultation with DoD concerning waiver application standards and DoD’s consideration of each waiver request. This coordination included participating in joint telephone conferences with state officials concerning each of the waiver applications to discuss the information necessary to meet the state’s burden of receiving a hardship exemption.

- 5. Did the Federal Voting Assistance Program (FVAP) ever transmit draft state hardship waiver guidelines to the DOJ for review? If so, when did FVAP transmit those draft guidelines? Did the DOJ ever provide a written response to those guidelines? Why do you think the waiver guidelines were never issued? Please provide the Committee with a timeline of any communication the DOJ had with FVAP regarding state MOVE Act waiver guidelines.**

Answer:

DoD issued interim guidance and FAQs on the hardship waiver process on May 24, 2010. DOJ consulted regularly with DoD, through FVAP and the Office of General Counsel, both before and after DoD issued its interim guidance and FAQs. Consistent with DOJ’s statutory role, *see* 42 U.S.C. § 1973ff-1(g)(2), DOJ also consulted with DoD regarding the Secretary of Defense’s consideration of hardship waivers requested by States.

- 6. What is your office doing to ensure that state MOVE Act waiver guidelines are issued for the next election cycle?**

Answer:

As enacted by Congress, UOCAVA and the MOVE Act amendments do not assign any statutory role to DOJ in the development or issuance of any hardship waiver guidelines; nor does the statute require DoD to issue waiver guidelines. *See* 42 U.S.C. §§ 1973ff, 1973ff-1(g). As described in response to Question 4 above, however, DOJ will continue to consult with DoD as the Secretary of Defense carries out his responsibilities under the Act, including in the

² The Attorney General has a third important obligation under UOCAVA, which is to submit to Congress, no later than December 31 of each year, an annual report on any civil action filed to enforce UOCAVA during the preceding year. *See* 42 U.S.C. § 1973ff-4(b).

development and issuance of any waiver guidelines that the Secretary determines are appropriate.

As with all of the Department's enforcement work, we will continue trying to identify any other ways to improve upon all aspects of UOCAVA enforcement, including issues related to the MOVE Act's waiver provisions. The Department will continue to consult with DoD to evaluate our experiences in 2010, which was the first election in which the waiver option was available to States, and to consider ways both agencies can assist States going forward.

I note for the Committee's consideration that the UOCAVA waiver provisions may bear re-examination in light of the experience during the 2010 Federal general election cycle. UOCAVA provides that the Secretary of Defense shall approve a waiver request if a State demonstrates that it has a comprehensive plan that will provide UOCAVA voters sufficient time to vote, and that one or more of the following issues create an undue hardship for the State: (1) the State's primary election date prohibits the State from complying with the 45-day deadline; (2) the State has suffered a delay in generating ballots due to a legal contest; (3) the State Constitution prohibits the State from complying with the 45-day deadline. 42 U.S.C. § 1973ff-1(g)(2). All of the waiver requests during the 2010 Federal general election cycle were based on the first of these hardship bases – the State's primary election date – and several of these States have now changed or are considering changes to their primary dates in order to facilitate compliance with UOCAVA. And, because no State sought an exemption based on a State constitutional provision, no State apparently believed it faced a hardship in complying with UOCAVA for the general election based on State constitutional requirements. The Department therefore hopes that there will be no need for waivers in future elections (with the possible exception of the unpredictable circumstance when a State faces delays in printing ballots due to a legal contest, *see* 42 U.S.C. § 1973ff-1(g)(2)(B)(ii)). We would be happy to discuss with Congress whether the waiver provision continues to serve a useful function in future elections, or whether all States should instead be held to a uniform, nationwide standard.

7. **At the hearing, you stated that FVAP consulted DOJ when granting waivers. Please explain that process. What kind of input did DOJ provide? What were the criteria the Department looked at when deciding whether or not to advise FVAP to grant a state waiver? Did FVAP always follow the DOJ's recommendations? Please provide a timeline of any communications DOJ had with FVAP regarding the granting of waivers and for what states.**

Answer:

The Department consulted extensively with FVAP, pursuant to our statutory role under 42 U.S.C. § 1973ff-1(g)(2), during DoD's consideration of all of the hardship waivers requested by States. Both DOJ and FVAP were well aware of the importance of acting thoroughly, consistently, and within the statutory deadlines when reviewing waiver applications. *See* 42 U.S.C. § 1973ff-1(g)(3)(A) (providing that States may request a waiver not later than 90 days before the election, and requiring the Secretary of Defense to approve or deny waiver requests not later than 65 days before the election). Given these exigencies, the Department began

consultations with FVAP well before the 90-day application deadline of August 4, 2010, and continued to consult closely with FVAP during its entire consideration period.

The criteria for DoD's waiver determinations are set forth in detail in the written determination letters issued on August 27, 2010, to each State that sought a waiver (available on the FVAP website at www.fvap.gov/reference/laws/waivers.html), and are also explained in the interim guidance and FAQs that DoD issued on May 24, 2010. The Department is not at liberty to disclose confidential communications with FVAP regarding specific waiver determinations, as these communications encompass not only inter-agency deliberations, but also attorney work product and potential attorney-client material. In general, however, as DoD's determination letters explain, both DOJ and FVAP sought to assess whether the State had demonstrated an undue hardship as required by 42 U.S.C. § 1973ff-1(g)(2)(B), and whether the State had presented a comprehensive plan for ensuring that absent uniformed services voters and overseas voters would have sufficient time to vote and have that vote counted. *See* 42 U.S.C. §§ 1973ff-1(g)(1)(D), 1973ff-1(g)(2)(A).

With regard to the timeline for DOJ's communications with FVAP concerning the granting of waivers and for what States, as noted, the Department consulted closely with DoD during the entire period it was considering waiver applications. The twelve States that sought a waiver for the 2010 Federal general election are Alaska, Colorado, the District of Columbia, Delaware, Hawaii, Maryland, Massachusetts, New York, Rhode Island, the Virgin Islands, Washington, and Wisconsin. DoD issued its waiver determinations for each of these States on August 27, 2010 (with the exception of Maryland, which withdrew its waiver request on August 25, 2010). DOJ and FVAP communicated regularly regarding each State's application for a hardship waiver from the date the application was received until DoD issued its waiver determinations.

8. **The late notice for states who had applied for waivers constituted a significant hurdle for their compliance. If states had known earlier on in the process that they would not receive a waiver because of a late primary, the state may have been able to change their election laws to comply with the MOVE Act. What steps are you taking to prepare for state MOVE Act waiver requests that are going to be extremely time-sensitive given the round of redistricting that is occurring?**

Answer:

DoD complied with the statutory deadlines for waiver determinations set by Congress, and no State received notice of a waiver denial that was beyond the statutory deadline. The MOVE Act requires States to request a waiver not later than 90 days before the election for which a waiver is sought (except when the request is based on a legal contest), and requires the Secretary of Defense to approve or deny waiver requests not later than 65 days before the election. *See* 42 U.S.C. §§ 1973ff-1(g)(3)(A). Six States that applied for a waiver had their requests denied (Alaska, Colorado, the District of Columbia, Hawaii, the Virgin Islands, and Wisconsin). Each of these six States was advised of the denial by DoD both in writing and by telephone on August 27, 2010, before the 65-day statutory deadline for DoD's waiver determinations. The Department would be happy to participate in further conversations with

Congress regarding whether the 90-day and 65-day deadlines set by statute for waiver requests and determinations should be adjusted in light of States' experiences during the 2010 Federal general election cycle.

With regard to the Department's response to upcoming waiver requests, we continue to be fully prepared to carry out our statutory role of consulting with DoD during its consideration of any future requests. 42 U.S.C. § 1973ff-1(g)(2). However, our broader goal is to avoid any waiver requests, and as such the Department is also consulting with States to avoid the need for waiver requests at all in foreseeable circumstances in the future. For example, in the consent decree resolving the Department's UOCAVA lawsuit against New York, the State acknowledged that, absent a waiver from DoD in the future, "changes in state law, the state election schedule, and/or election procedures are necessary to prevent future violations of UOCAVA." Consent Decree ¶ 11, *United States v. State of New York*, No. 1:10-cv-1214 (N.D.N.Y. Oct. 19, 2010). The State committed to confer with the Department and "explor[e] the need for future relief, including possible changes of law or administrative regulation to assure that UOCAVA voters shall have a fair and reasonable opportunity to participate in future Federal elections, and to address potential UOCAVA violations arising from the State's Federal election schedule or election practices." *Id.* We note that New York enacted a state law on March 9, 2011, that makes the statutory changes necessary to ensure that ballots in special elections can be delivered to UOCAVA voters before the 45th day preceding every special election. *See* 2011 N.Y. Laws ch. 4 (Mar. 9, 2011) (amending N.Y. Public Officers Law § 42(3)). This change avoids the need for MOVE Act waiver requests for special elections in New York, and the State is continuing to consider options for legislative changes to achieve the same outcome for primary and general elections.

9. What steps are you taking to ensure that States receive prompt notice of when they can submit a waiver request?

Answer:

Since the MOVE Act amendments to UOCAVA became effective in October 2009, States have been aware of their right to seek a waiver, where the statutory requirements are met, by requesting one not later than 90 days before the election (except when the request is based on a legal contest). *See* 42 U.S.C. §§ 1973ff-1(g)(2), 1973ff-1(g)(3)(A). The Department sent letters to all States in April 2010 advising them of the MOVE Act's new requirements, separately followed up with States leading up to the 2010 general election, and continues to consult with States regarding their compliance obligations.

- 10. States provide the federal government with large amounts of data concerning UOCAVA ballots. Does your division review this data after every election?**
- a. If your division reviews the data, what actions have you taken based on the data?**
 - b. The last public report from the EAC in 2008 showed that over 45% of the UOCAVA ballots received by New Jersey were rejected for various reasons. Have you looked into the reasons for why so many ballots were rejected last election?**

Answer:

The Department receives information or data from States regarding UOCAVA ballots both before and after federal elections. We review any information and data we receive before each federal election to identify possible areas of noncompliance and to take immediate enforcement action where appropriate, and we also review the data we receive pursuant to these enforcement actions after the election to identify further remedial measures or areas for future improvement.

We are currently working with the EAC to review the UOCAVA ballot data submitted by every State for the 2010 Federal general election, and are considering whether any enforcement actions are warranted based on that data. I note that in 2008, based on our review of EAC reports, we initiated enforcement actions against Alabama, Vermont, and Massachusetts for failure to comply with their UOCAVA data reporting obligations. See Complaint, *United States v. Alabama*, No. 2:08-cv-920 (M.D. Ala. Nov. 19, 2008), available at www.justice.gov/crt/about/vot/misc/al_uocava_comp08.pdf; Complaint, *United States v. Vermont*, No. 2:08-cv-217 (D. Vt. Oct. 10, 2008), available at www.justice.gov/crt/about/vot/misc/vt_uocava_comp.pdf; see also Agreement between the United States and the Commonwealth of Massachusetts (Oct. 21, 2008), available at www.justice.gov/crt/about/vot/misc/ma_uocava_settlement.php.

In response to the Committee's specific question regarding New Jersey, the data provided by the EAC do not show that over 45% of the UOCAVA ballots received by New Jersey were rejected in 2008. The data sets attached to the EAC's Election Administration and Voting Survey Report for the 2008 election show that while all 21 counties in New Jersey provided responses to the survey's questions regarding the number of ballots returned and submitted for counting, six counties did not provide data for the number of ballots counted. Two of the six counties that failed to provide that data did, however, supply the number of UOCAVA ballots rejected, which showed a rejection rate of 7.5% in one county and 8.8% in the other. Of the 15 counties that reported data for ballots counted, the rejection rate was 2.1%.

11. Could you please provide any information or reports that you received from states as a condition of their consent decree, waiver, memorandum of agreement, or any other similar such document?

Answer:

Enclosed with this response are the reports that have been filed in court as a condition of the consent decrees entered in the Department's lawsuits against Illinois and New Mexico, and as a condition of the court order entered in the Department's lawsuit against Guam. All other reports that the Department received from States as a condition of their consent decrees or other agreements were not filed in court nor has the Department publicly released them. We are in the process of reviewing and assessing all the data and information contained in these reports as part of our prosecution of those continuing cases and investigations to determine what further enforcement action may be required. Consequently, we are not in a position to provide the non-public reports pertaining to those matters at this time.

The Department has not received any information or reports from States as a condition of their receipt of a hardship waiver. The States that accepted such a requirement as a condition of receiving a waiver agreed to provide post-election information directly to FVAP. These reports are available on the FVAP website at www.fvap.gov/reference/laws/waivers.html.

- 12. In the past, the DOJ has required express delivery of outgoing ballots in order to ensure voters received their ballots and were able to vote before Election Day. In the case of Illinois and New York, was express ballot delivery considered as a possible remedy? Why did the Department choose not to use express delivery in these cases? When did the DOJ anticipate that the last of the ballots would arrive to the voters?**

Answer:

The consent decrees obtained in New York and Illinois were designed to provide a period of at least 45 days overall (from the last dates the States advised ballots were sent, to the extended ballot receipt deadline) for military and overseas voters to receive, cast, and return their ballots, with the exception of one county in Illinois where a 42-day period was necessitated by the unique circumstances of the U.S. Senate special election. *See* Consent Decree ¶ 1, *United States v. State of New York*, No. 1:10-cv-1214 (N.D.N.Y. Oct. 19, 2010); Consent Decree ¶ 3, *United States v. Illinois*, No. 1:10-cv-06800 (N.D. Ill. Oct. 22, 2010). To provide a further remedy for UOCAVA voters in that particular Illinois county, the consent decree required that county to contact each of its UOCAVA voters individually and provide a pre-paid, express means to return the ballot. *See* Consent Decree ¶ 4, *United States v. Illinois*, No. 10-cv-06800 (N.D. Ill. Oct. 22, 2010).

In general, when a State fails to meet UOCAVA's 45-day deadline (or, in the case of New York, when the State fails to meet the extended ballot transmission deadline set by the terms of its waiver from DoD), there are a range of remedial options the Department can seek to provide the most effective remedy. Express ballot delivery is one option that has been sought in some instances, but it is not the only remedial option available to the Department – others may include extensions of the ballot receipt deadline, use of pre-paid express mail return, published and individual notice to UOCAVA voters, and electronic transmission of ballots, among other relief. We generally consider remedies on a case-by-case basis, and seek to ensure that the remedy adopted will provide voters sufficient time to vote and return their ballots. In both New York and Illinois, the Department sought – and the district court ordered – the remedy we thought most effective, under the circumstances presented, to ensure that all UOCAVA voters would have the opportunity to cast a ballot and have that vote counted.

- 13. What is the Department's process for investigating potential problems under Sec. 203 of the Voting Rights Act? Does the Department call counties directly in order to find out if counties complied with the law? If so, why does the Department call counties directly for Sec. 203 compliance but not for MOVE Act compliance?**

Answer:

The Department's enforcement methods for UOCAVA and Section 203 of the Voting Rights Act, as with all of the statutes the Department enforces, are determined by the obligations imposed by the statute in question. The key difference between UOCAVA and Section 203 for the purpose of answering this question is that Congress has determined that States are ultimately responsible for complying with UOCAVA, whereas Congress has determined that both states and counties subject to Section 203 are ultimately responsible for complying with the requirements imposed by that statute.

Under Section 203 of the Voting Rights Act, Congress determined that, in addition to states, individual counties or other political subdivisions could be independently subject to the statute's requirements, and that those political subdivisions covered by Section 203 bear ultimate responsibility for complying with the Act. *See* 42 U.S.C. §§ 1973aa-1a(b)(2); 1973aa-1a(c). Approximately 300 counties are currently subject to the requirements of Section 203. *See* 67 Fed. Reg. 48,871, 48,872 – 48,877 (July 26, 2002). Accordingly, the Department typically contacts covered jurisdictions directly (most of which are counties) in the course of investigating compliance with Section 203, and where necessary the Department files litigation against the county to obtain relief for Section 203 violations. The Department's website contains additional information about Section 203, including language minority guidelines, at www.justice.gov/crt/about/vot/sec_203/activ_203.php.

In contrast, Congress determined in enacting UOCAVA that States bear the ultimate obligation to comply with the law, and may not evade this obligation by deferring or delegating it to local election officials. *See* 42 U.S.C. § 1973ff-1(a). Although absentee balloting is administered by the approximately 11,000 local election authorities in the country, Congress made clear through both the text of the statute and the legislative history that States are responsible for ensuring compliance with UOCAVA by any jurisdictions that may administer elections at the local level. *See* 42 U.S.C. § 1973ff-1(a); *see also* Cong. Rec. S4516, S4517 (daily ed. May 27, 2010) (statement of Sen. Charles E. Schumer) (“[T]he MOVE Act does not intend to and does not in fact take administrative control of military and overseas voting out of the hands of local officials. Compliance with MOVE’s mandates, however, ultimately remains a State responsibility, and States will continue to be the main entity against which the provisions of MOVE and UOCAVA will be enforced should enforcement by the Department of Justice become necessary.”); *United States v. Cunningham*, No. 3:08-cv-709, 2009 WL 3350028, at *8 (E.D. Va. Oct. 15, 2009). The Department does in fact contact some counties and other local entities directly in the course of investigating UOCAVA compliance when necessary to follow up on specific complaints or for the purpose of spot-checking State compliance. However, it would be impractical for the Department to monitor the over 11,000 local election authorities directly during every election; and as a legal matter, UOCAVA requires each State to be accountable for ensuring that absentee ballots are timely transmitted by each of its localities.

14. **How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into violations of the MOVE Act? How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into violations of section 7 of NVRA? How many total staff hours were allocated each month from June 2010 to February 2011 for investigations into**

violations of section 8 of NVRA? Please provide a month by month breakdown between June 2010 through February 2011 for each answer.

Answer:

The Department's practice has not been to report monthly investigative statistics for each statute we enforce, and the Division's existing case management system and protocols do not track all of the specific information sought by this question. With these qualifications, however, I can advise the Committee that over 20 staff members, including more than half of the Voting Section's litigating attorneys, worked on UOCAVA compliance review and enforcement during the 2010 Federal general election cycle. While staff member workloads varied during 2010, the waiver process and the weeks preceding and after the 45-day deadline occasioned a very intense period of work and consumed a significant portion of work hours for staff members. This work represented an unprecedented effort to enforce UOCAVA, and was in fact unmatched in any other Federal general election cycle and with respect to any other statute. By way of comparison with regard to UOCAVA enforcement alone, the Department has filed approximately 40 lawsuits to enforce UOCAVA since it was passed in 1986, and five of those lawsuits – or one-eighth of the total number of UOCAVA lawsuits filed by the Department in the past 25 years – were filed by this Department in October and November 2010. In addition, the five lawsuits filed in October and November 2010 represent only a portion of the Department's UOCAVA enforcement efforts for the 2010 election cycle; the Department also reached out-of-court memoranda of understanding or letter agreements with nine other States to remedy UOCAVA violations.

- 15. How many individuals did the Department of Justice dispatch to states and localities to investigate potential election law violations between June of 2010 and February of 2011? How many total hours did each of these individuals spend in each locale? Please provide a state by state breakdown of how many investigators were sent out, where they were sent (including the city or county), how many total hours they spent in each area, what potential violations of the law were referred to you that caused you to send investigators and the current status of each investigation. For each investigation, identify whether the investigation pertained to a possible violation of the MOVE Act, NVRA section 7, NVRA section 8, or none of those.**

Answer:

The Department's practice has not been to record the number of individuals and total hours spent by each individual in each locality in which we are investigating possible violations of election laws. This information would be extremely burdensome to collect and calculate, as it would require information from nearly one hundred different offices and components within DOJ – including the Civil Rights Division, the Criminal Division, the Civil Division, the Federal Bureau of Investigation, and each of the 94 U.S. Attorneys Offices, among others. In addition to this concern, I am separately unable to provide the information sought by this question because many cases and matters that have been investigated during this time period remain open investigations. Disclosing such specific information with regard to open civil and criminal matters would be contrary to longstanding Department policy, as information regarding the

Department's investigative targets and methods, litigation plans, and work product could undermine the effective and independent law enforcement that the Department is charged with executing.

To the extent this question seeks to determine the extent to which the Department prioritized UOCAVA enforcement during the 2010 Federal general election cycle, I can advise the Committee that UOCAVA enforcement was the single biggest allocation of resources within the Voting Section of the Civil Rights Division during the time period this question addresses. In addition, as I noted in my response to Question 14 above, our record of enforcement illustrates that UOCAVA compliance was of the highest priority to the Department, and the actions that the Department ultimately undertook as a result of our investigative efforts are unmatched in any general election period that I am aware of. As also noted in response to Question 14 above, the Department has filed approximately 40 lawsuits to enforce UOCAVA since it was passed in 1986, and five of those lawsuits – or one-eighth of the total number of UOCAVA lawsuits filed by the Department in the past 25 years – were filed by this Department in October and November 2010.

16. Which states were models of effectiveness and what states need improvement? Are there states that you know of that will not be in compliance with the MOVE Act by the start of the 2012 primaries?

Answer:

For those States that did not comply with UOCAVA in 2010 and where the Department took enforcement action, we are continuing to consult with them regarding the causes of their noncompliance and regarding steps that can be taken to ensure compliance in future elections. In addition to what we are learning during these consultations, a key area of necessary improvement for several States will be greater cooperation with the Department's investigations during future elections, to enable us to meet our shared goal of ensuring that all military and overseas voters have the opportunity to vote and have their votes counted. As explained in the response to Question 13 above, UOCAVA assigns ultimate responsibility to the States for complying with the law, and for ensuring that all local election officials meet their obligations. *See* 42 U.S.C. § 1973ff-1(a); Cong. Rec. S4516, S4517 (daily ed. May 27, 2010) (statement of Sen. Charles E. Schumer); *United States v. Cunningham*, No. 3:08-cv-709, 2009 WL 3350028, at *8 (E.D. Va. Oct. 15, 2009). While the vast majority of States acknowledged this obligation and responded promptly and thoroughly to the Department's requests for information, some States either did not provide their full cooperation, or provided incomplete or inaccurate information. We are continuing to evaluate the need for improvements in those States, and would be happy to discuss whether there are any additional steps Congress could take to ensure that these improvements occur.

17. What tools can Congress give you to improve compliance with the MOVE Act?

Answer:

We continue to review and analyze data and other information from the 2010 election as it becomes available to determine what worked well and what could be improved upon. As we undertake this review, we are considering what steps could be taken to strengthen the protections and enforcement of UOCAVA in light of our experience. We anticipate proposing legislative recommendations in the near future, and we look forward to working with Congress on improvements to the statute and expanding civil rights protections for all Americans.

18. How were you able to work with FVAP and the EAC to have compliance with the Act?

Answer:

As noted, DoD has authority under the MOVE Act to make waiver determinations after consulting with the Attorney General. 42 U.S.C. §§ 1973ff(a), 1973ff-1(g)(2). Thus, pursuant to our statutory role, we consulted with FVAP in the months leading up to the election to ensure that the Act's waiver provisions were applied as Congress intended. The EAC is responsible under the Act for collecting data from States after the election regarding the number of absentee ballots that were transmitted to military and overseas voters and the number of ballots that were returned. 42 U.S.C. § 1973ff-1(c). We are currently working with the EAC to ensure that states provide complete data and are reviewing the data as it becomes available. We expect to continue to coordinate with the EAC and FVAP as those agencies coordinate their data collection plans for future federal elections, and in other ways that would enhance our enforcement of UOCAVA.

19. What are your thoughts on allowing for a private right of action, not just for military voters but for all Americans whose right to vote is denied?

Answer:

UOCAVA authorizes the Attorney General to bring civil litigation for declaratory and injunctive relief to enforce its provisions, *see* 42 U.S.C. § 1973ff-4(a), but does not currently include an express private right of action. To eliminate any uncertainty regarding the availability of this important avenue for enforcing the law, the Department supports including an express private right of action in UOCAVA.

The Department has long recognized that private rights of action promote greater compliance with civil rights laws, by allowing "private attorneys general" to bring cases where they see noncompliance with the law. And although the Department has a strong record of effective and vigorous enforcement of UOCAVA since its enactment, individuals aggrieved by a violation of the statute should also be authorized to bring a lawsuit. Such a policy would be consistent with the express private right of action that Congress included in the National Voter Registration Act, *see* 42 U.S.C. § 1973gg-9(b).

20. How does DOJ measure compliance with the MOVE Act?

Answer:

The MOVE Act requires States to transmit absentee ballots to military and overseas voters no later than 45 days before a Federal election when a timely request for an absentee ballot has been received by that date. *See* 42 U.S.C. § 1973ff-1(a)(8). Accordingly, unless a waiver is granted by DoD pursuant to the Act, States must ensure that their local jurisdictions honor all timely requests by UOCAVA voters by transmission of an absentee ballot at least 45 days before Election Day. As detailed in the Attorney General's 2010 Annual Report to Congress, our enforcement actions against jurisdictions where waiver applications were denied, or where ballots were mailed late, generally sought to establish the full 45-day period that Congress intended UOCAVA voters would have to receive, mark, and return their ballots if they chose to do so, and to have those ballots counted.

We will review post-election data from States and the EAC to inform our assessment of various aspects of States' MOVE Act compliance in 2010. Although this data will be an important element of our post-election assessment, we recognize that there are a variety of factors that impact the number of ballots that are returned by voters. Thus, we also expect to conduct a searching review of additional information from States and various stakeholders to evaluate the levels of compliance and the areas where improvements are needed, and will take action wherever needed to ensure compliance in the future.

In addition to the 45-day requirement, States must also ensure full compliance with all other State obligations under UOCAVA, including the designation of an option for electronically transmitting ballots, 42 U.S.C. § 1973ff-1(a)(6); the reporting of post-election data to the EAC, 42 U.S.C. § 1973ff-1(c); and all other State responsibilities set out in the Act. The Department's efforts to obtain compliance with the Act during the 2010 general election cycle also are reflected in the hardship waiver determinations and the Department's enforcement actions, described more fully in our 2010 Annual Report to Congress (available online at www.justice.gov/crt/about/vot/misc/move_act_report.pdf). Our assessment of overall compliance continues as we receive and study the post-election data from various sources, as well as other information from States and other stakeholders.

21. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

Answer:

The Department is open to all suggestions for improving the statute and would welcome the opportunity to review and provide feedback on specific proposals.

22. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

Answer:

Both the Election Assistance Commission and the DoD Federal Voting Assistance Program play critical roles in the administration of UOCAVA and in protecting the voting rights of uniformed and overseas voters. In addition to their other important functions,³ both the EAC and FVAP have worked with DOJ to assist us in identifying possible noncompliance with UOCAVA, which facilitates the Attorney General's enforcement obligations under 42 U.S.C. § 1973ff-4(a). We look forward to reviewing any specific proposals and participating in a discussion of any expanded role for our federal partners.

³ The range of EAC initiatives regarding military and overseas voters is described in more detail on the EAC website at www.eac.gov/voter_resources/resources_for_military_and_overseas_voters.aspx. FVAP likewise maintains a comprehensive website of its critical work to assist military and overseas voters at www.fvap.gov.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	No. 10 C 6800
v.)	
	)	Hon. William J. Hibbler
THE STATE OF ILLINOIS, THE ILLINOIS)	
STATE BOARD OF ELECTIONS, and)	
DANIEL WHITE, Executive Director of the)	
Illinois State Board of Elections,)	
)	
Defendants.)	

**CERTIFICATIONS REQUIRED BY
PARAGRAPHS (5), (8), AND (9) OF THE CONSENT DECREE**

The Defendants THE STATE OF ILLINOIS, THE ILLINOIS STATE BOARD OF ELECTIONS, and DANIEL WHITE, Executive Director of the Illinois State Board of Elections, by their attorney, LISA MADIGAN, in accordance with paragraphs (5), (8), and (9) of the Consent Decree entered in this matter on October 22, 2010, submit to the Court the following certifications:

- Exhibit A Certifications from all Illinois election authorities in compliance with paragraph (5) of the Consent Decree; and
- Exhibit B Certifications from the affected election authorities in compliance with paragraphs (8) and (9) of the Consent Decree.

LISA MADIGAN
Attorney General of Illinois

By: s/THOMAS A. IOPPOLO
Thomas A. Ioppolo
Assistant Attorney General
General Law Bureau
100 W. Randolph Street, 13th Floor
Chicago, Illinois 60601
(312) 814-7198

EXHIBIT A

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 28

Number of UOCAVA ballots sent out on or before September 18, 2010: 28

If ~~requested, but~~ not sent on or before September 18, ~~or not sent within 2 days of the request~~, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

[REDACTED]

Date requested	Date sent	Reason
10-20-10		e-mail did not go through
		per hand

Add additional pages if necessary

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~Thereby attest that the foregoing information is true and correct.~~

George Adams
Election Authority (printed)

George Adams
Election Authority (signature)

Adams
Election Authority Jurisdiction

10-26-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 2

Number of UOCAVA ballots sent out on or before September 18, 2010: - 0 -

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

2

9-25-10

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: Date sent: Reason

(2) 9-27-10 (2) 9-27-10

(2) 10-6-10 (2) 10-6-10

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

FRANCES LEE
 Election Authority (printed)


 Election Authority (signature)

ALEXANDER COUNTY
 Election Authority Jurisdiction

10-26-10
 Date

Bond County

Certification

Sent to all 110 Illinois Election Authorities 2 17 524 5574

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Randy L. Reitz
 Election Authority (printed)

Randy L. Reitz
 Election Authority (signature)

Bond County
 Election Authority Jurisdiction

Oct 26, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 2

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

2

10-4-2010

Voted ballots returned to our
office on October 18 and October 22.

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

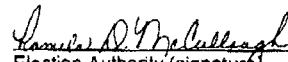
Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Pamela D. McCullough
 Boone County Clerk
 Election Authority (printed)


 Election Authority (signature)

Boone County
 Election Authority Jurisdiction

October 26, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

Date requested: _____ Date sent: _____ Reason: _____

10-12-10 10-12-10
10-15-10 10-15-10

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate:

I hereby attest that the foregoing information is true and correct.

Judith L. Ham
 Election Authority (printed)

Judith L. Ham
 Election Authority (signature)

Brown County
 Election Authority Jurisdiction

Oct. 27, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 6

Number of UOCAVA ballots sent out on or before September 18, 2010: 6

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Kamala S. Hieronymus
Election Authority (printed)

Kamala S Hieronymus
Election Authority (signature)

Bureau County
Election Authority Jurisdiction

Oct. 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 4

Number of UOCAVA ballots sent out on or before September 18, 2010: 2

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

2

9/22/2010 (in states)

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots are requested after September 18, 2010, and not transmitted in accordance with UOCAVA's terms, including immediate express pre-paid method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason: _____

0

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

RITA HAGEN
Election Authority (printed)

Rita Hagen
Election Authority (signature)

Calhoun
Election Authority Jurisdiction

OCT 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 5

Number of UOCAVA ballots sent out on or before September 18, 2010: 3 correctly
 2 incorrectly

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent	Date Sent.*
<u>1</u>	9/15/2010 by mail--- 10/25/2010 by email
<u>1</u>	9/15/2010 by mail--- have received ballot by mail
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B:

If other UOCAVA ballots have been requested after September 18, 2010, were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

<u>Date requested:</u>	<u>Date sent:</u>	<u>Reason</u>
10/14/2010	10/14/2010 by mail--- 10/25/2010 by email	Wrong understanding of procedure with Staff
10/18/2010	10/18/2010 by mail--- 10/25/2010 by email	Wrong understanding of procedure with Staff

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

BRIAN WOEESNER
Election Authority (printed)

Brian Woessner
Election Authority (signature)

CARROLL
Election Authority Jurisdiction

10-28-10
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 4

Number of UOCAVA ballots sent out on or before September 18, 2010: 4

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOGAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Michael C. Kirchner
Election Authority (printed)

Michael C. Kirchner
Election Authority (signature)

CASS COUNTY
Election Authority Jurisdiction

October 26, 2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 654

Number of UOCAVA ballots sent out on or before September 18, 2010: 654

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If requested, but not sent on or before September 18, 2010, or not sent within 2 days of the request, how many were sent and on what date? Please provide the following information:

Date requested:	Date sent:	Reason:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing information is true and correct.~~

Mark Sheldon
Election Authority (printed)

Mark Sheldon
Election Authority (signature)

Champaign County
Election Authority Jurisdiction

10/25/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7

Number of UOCAVA ballots sent out on or before September 18, 2010: 7

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
-----------------	------------	--------


(1) 10/13/2010	Not	Never received a completed FPCA and had no response to emails requesting the FPCA and advising him that no ballot could be issued without one.
----------------	-----	--

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Linda K. Curtin
Election Authority (printed)


Election Authority (signature)

Christian County
Election Authority Jurisdiction

10/27/2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Wm. C. Downey
Election Authority (printed)

Wm C Downey
Election Authority (signature)

Clark County
Election Authority Jurisdiction

10-26-2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

*Emailed
 10-25-10*

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 16

Number of UOCAVA ballots sent out on or before September 18, 2010: 16

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

N/A

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-1 Filed: 10/28/10 Page 27 of 87 PageID #:149
 OCT-27-2010 14:25 From:CLAY COUNTY CLERK 1 618 665 3607 To:12175245574 P.3/3

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Brenda Britten
 Election Authority (printed)

Brenda Britten
 Election Authority (signature)

Clay County
 Election Authority Jurisdiction

10/25/2010
 Date



Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 33

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

<u>33</u>	<u>9/22/2010</u>
* <u>1</u>	<u>10/12/2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s). * this ballot was submitted on 10/12/2010

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Thomas R. H. H. H.
Election Authority (printed)

Thomas R. H. H. H.
Election Authority (signature)

Chislow
Election Authority Jurisdiction

10/25/2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010:

2

Number of UOCAVA ballots sent out on or before September 18, 2010:

0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

0



Date sent:*

9-20-10

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

N/A

Post-it® Fax Note	7671	Date	10/27/10	# of pages	8
To	SBE	From	A gma		
Cn/Used	Chris Cray	Co			
Phone #		Phone #			
Fax #	217.524.5574	Fax #	217.348.7337		

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Sue Bennett
Sue Bennett

Election Authority (printed)
 (signature)

Election Authority

Calaveras County
Oct. 27, 2010

Election Authority Jurisdiction

Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 538

Number of UOCAVA ballots sent out on or before September 18, 2010: 538

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

<u>Date requested:</u>	<u>Date sent:</u>	<u>Reason</u>
------------------------	-------------------	---------------

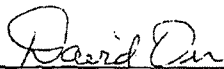
N/A		
_____	_____	_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

David Orr
Election Authority (printed)


Election Authority (signature)

Cook County
Election Authority Jurisdiction

October 27, 2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

CRAWFORD Co.

1 of 2

~~I state that all UCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Patricia Lyeau
Election Authority (printed)

Patricia Lyeau
Election Authority (signature)

Crawford Co
Election Authority Jurisdiction

10-26-2010
Date

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

.....

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

____ Julie Gentry _____

Election Authority (printed)

Election Authority (signature)

____ Cumberland _____

____ Oct 26, 2010 _____

Election Authority Jurisdiction

Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 50

Number of UOCAVA ballots sent out on or before September 18, 2010: 50

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

None

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Sharon L. Holmes
Election Authority (printed)

Sharon L. Holmes
Election Authority (signature)

De Kalb County
Election Authority Jurisdiction

10-25-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent

Date sent:*

1

9/21/2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-1 Filed: 10/28/10 Page 41 of 87 PageID #:163

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Jayne Usher
Election Authority (printed)

Jayne Usher
Election Authority (signature)

Dewitt County
Election Authority Jurisdiction

Oct. 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 27

Number of UOCAVA ballots sent out on or before September 18, 2010: 27

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 8, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

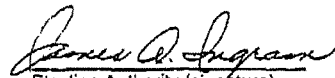
<u>Date requested:</u>	<u>Date sent:</u>	<u>Reason</u>
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

JAMES A. INGRAM
 Election Authority (printed)


 Election Authority (signature)

DOUGLAS COUNTY, IL
 Election Authority Jurisdiction

10-25-2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1559

Number of UOCAVA ballots sent out on or before September 18, 2010: 1559

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

N/A

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Robert T. Saar
Election Authority (printed)


Election Authority (signature)

Du Page County
Election Authority Jurisdiction

October 27, 2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If ~~requested, but~~ not sent on or before September 18, ~~or not sent within 2 days of the request~~, how many were sent and on what date?

Number sent:

Date sent: *

3

09-20-10 *

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

* ALL 3 BALLOTS WERE DELIVERED AND HAVE RETURNED!

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

REBECCA R KRAEMER
 Election Authority (printed)

Rebecca R Kraemer
 Election Authority (signature)

EDGAR COUNTY
 Election Authority Jurisdiction

10-25-10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If ~~requested but~~ not sent on or before September 18, ~~or not sent within 2 days of the request~~ how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~Other UOCAVA ballots requested on or before September 18, 2010 were not transmitted in accordance with UOCAVA's terms. Regarding the number and voters referred method of transmission, please provide the following information:~~

Date requested	Date sent	Reason
10/5/10	10/5/10	via USPS mail rec'd 10/24/10
10/14/10	10/14/10	via USPS mail
10/20/10	10/21/10	via email
10/21/10	10/21/10	via email

~~Add additional pages if necessary.~~

EXHIBIT 5 CO
1 of 2

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing information is true and correct.~~

Mary Beth Smith
Election Authority (printed)

Mary Beth Smith
Election Authority (signature)

Edwards County
Election Authority Jurisdiction

10-27-10
Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 6

Number of UOCAVA ballots sent out on or before September 18, 2010: 6

If ~~requested but~~ not sent on or before September 18, ~~or not sent within 7 days of the request~~, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

	Date requested	Date sent	Reason
1)	10-11-10	Rejected	No signature
2)	10-12-10	Rejected	No signature

Additional pages if necessary:

E-mails sent to voters requesting signature
No response

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing is true and correct.~~

KERRY J. HIRTZEL
 Election Authority (printed)

Kerry J. Hirtzel
 Election Authority (signature) *sw*

EFFINGHAM COUNTY
 Election Authority Jurisdiction

OCTOBER 26, 2010
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 4

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

4

September 22

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

See Attached

Add additional pages if necessary.

Date Requested	Requested Method	Date Sent	Date Returned	Date Emailed & Sent Express Envelope
09-30-2010	By Mail (Request made by mother)	09-30-2010		
10-05-2010	By Mail (Request made by father)	10-05-2010		
10-05-2010	By Email (Mailed Ballot)	10-05-2010	10-19-2010	
10-12-2010	By Email (Mailed Ballot)	10-12-2010	10-26-2010	10-25-2010
10-12-2010	By Email (Mailed Ballot)	10-12-2010		10-25-2010
10-18-2010	By Mail (Request made by mother)	10-18-2010		
10-26-2010	By Email	10-26-2010		10-26-2010

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Terri D. Braun
 Election Authority (printed)

Terri D. Braun
 Election Authority (signature)

Fayette County
 Election Authority Jurisdiction

10-26-10
 Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

3

9-20-10

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots/ballots requested after September 18, 2010 were not transmitted in accordance with UOCAVA's terms, requesting the election authority provide preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Linda Ke Hechals
Election Authority (printed)

Linda Ke Hechals
Election Authority (signature)

Ford County
Election Authority Jurisdiction

10/26/10
Date

To: *Lris Cray*

Certification
 Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1

Number of UOCAVA ballots sent out on or before September 18, 2010: _____

If ~~requested but~~ not sent on or before September 18, ~~provide date within 9 days of the request~~, how many were sent and on what date?

Number sent:

Date sent:*

1

Sept. 21, 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~Provide date within 9 days of the request for each ballot requested but not sent on or before September 18, 2010. If the election authority is unable to provide the ballot, provide the date and time the ballot was received by the election authority.~~

Date requested: _____ Date sent: _____ Reason: _____

N/A

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Dave Dobill
 Election Authority (printed)

Dave Dobill
 Election Authority (signature)

Franklin County
 Election Authority Jurisdiction

10-2
 Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 3

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

James F. Nielsen

Election Authority (printed)

James F. Nielsen

Election Authority (signature)

R. Hon County

Election Authority Jurisdiction

10/25/10

Date

Certification
 Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>6</u>	<u>9/30/10</u>
<u>1</u>	<u>10/12/10</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>10/18/2010</u>	<u>10/19/2010</u>	<u>A ballot was mailed to the voter on September 30, 2010 to the same address as specified on the October 18, 2010 ballot request FPCA form. The FPCA form request from the voter that was received on October 18, 2010, was to email the ballot to the voter. The ballot was emailed on October 19, 2010.</u>

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Elizabeth A. Wargel
 Election Authority (printed)

Elizabeth A. Wargel
 Election Authority (signature)

Gallatin County IL
 Election Authority Jurisdiction

October 25, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 26

Number of UOCAVA ballots sent out on or before September 18, 2010: 26

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Deborah Banghart
Election Authority (printed)

Deborah Banghart
Election Authority (signature)

Greene
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 77

Number of UOCAVA ballots sent out on or before September 18, 2010: 77

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

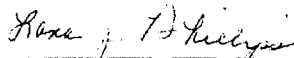
Date requested:	Date sent:	Reason
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

LANA J. PHILLIPS
Election Authority (printed)


Election Authority (signature)

GRUNDY COUNTY
Election Authority Jurisdiction

OCTOBER 25, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 2

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
1	September 22, 2010
1	October 26, 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

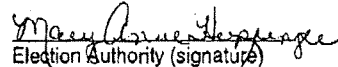
Date requested:	Date sent:	Reason
August 24, 2010	October 26, 2010	The request was e-mailed but due to security issues I could not open the request. After contacting the State Board of Elections, I express mailed the military ballot and supplied a prepaid return envelope.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

MARY ANNE HOPFINGER
Election Authority (printed)


Election Authority (signature)

HAMILTON COUNTY, ILLINOIS
Election Authority Jurisdiction

OCTOBER 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

3

Date sent:

Oct 6, 2010

Note: all 3
have been voted
and returned to
Courthouse

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

NONE

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Kerry Ashbridge
Election Authority (printed)

Kerry Ashbridge
Election Authority (signature)

Hancock County
Election Authority Jurisdiction

October 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandata, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: -0-

Number of UOCAVA ballots sent out on or before September 18, 2010: -0-

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:

NA

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

3.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

NA

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Mary Ellen Denton
 Election Authority (printed)

Mary Ellen Denton
 Election Authority (signature)

Abbeville County
 Election Authority Jurisdiction

10-25-10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

None

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Marcella Cisua
Election Authority (printed)

Marcella Cisua
Election Authority (signature)

Henderson County
Election Authority Jurisdiction

10-25-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 124

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

124

9-23-10

1 ballot out of 124 was mailed on 9/23/10 + should have been emailed which has been done.

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B:

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: Date sent: Reason

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

BARBARA M. LINK
Election Authority (printed)

Barbara M Link
Election Authority (signature)

Henry County
Election Authority Jurisdiction

10-27-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 51

Number of UOCAVA ballots sent out on or before September 18, 2010: 51

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Lisa L Fancher
Election Authority (printed)

Lisa L. Fancher
Election Authority (signature)

Iroquois County
Election Authority Jurisdiction

October 25, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 135

Number of UOCAVA ballots sent out on or before September 18, 2010: 134

If ~~requested but~~ not sent on or before September 18, ~~or not sent within 2 days of the request~~, how many were sent and on what date?

Number sent:

Date sent:*

1

9-20-10 e-mail due to fault e-mail ON APP.

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

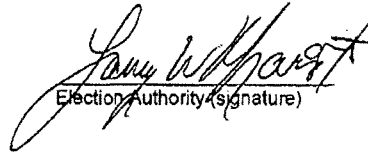
Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

~~I hereby attest that the foregoing information is true and correct.~~

LARRY W. REINHARDT
Election Authority (printed)


Election Authority (signature)

JACKSON COUNTY
Election Authority Jurisdiction

10-27-2010
Date

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

Number sent:

Date sent: *

A

Abstract

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Journal compilation © 2006 Blackwell Publishing Ltd

B.

If other UOGAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOGAVA's terms regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

[illegible]

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

LINDA HUTH
Election Authority (printed)

Linda Huth
Election Authority (signature)

Illinois
Election Authority Jurisdiction

Oct. 26, 2010
Date

Cris Cray
 Fax 217-524-5574

FAXED

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 41

Number of UOCAVA ballots sent out on or before September 18, 2010: 41

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

NA

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

NA

4 were emailed & mailed ballots - *
(1 mailed returned, 3 others nothing yet)

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Connie Simmons

Election Authority (printed)

Connie Simmons

Election Authority (signature)

Jefferson County

Election Authority Jurisdiction

10/26/10

Date

* I mailed & emailed because military needed to know we would have to remake the emailed ballot.

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:
<u>23</u>	<u>OCT. 4</u>
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>9-6-10</u>	<u>10-13-10</u>	<u>Wt. received 10-13-10</u>
<u>9-17-10</u>	<u>10-4-10</u>	<u>SWT Application by mail</u>
<u>9-21-10</u>	<u>10-4-10</u>	<u>Ballot ready 10-4-10</u>
<u>7-16-10</u>	<u>10-4-10</u>	<u>Ballot ready 10-4-10</u>

(Already received voter ballot)
10-18-10

Case: 1:10-cv-06800 Document #: 18-1 Filed: 10/28/10 Page 86 of 87 PageID #:208

DATE Requested

DATE SWT

NO. 4671 2. 3

- 10-5-10

- 10-6-10

- 10-5-10

10-6-10

- 10-14-10

10-14-10

10-14-10

10-14-10

- 9-30-10

10-4-10

WAW HAS Ballots

(Already marked back)

Completed
Ballot
received
10-25-10

10-4-10

- Already have ballot at 10-27-10

10-27-10 - completed

Ballot back

9-30-10

10-4-10

Voted Ballot back

on 10-18-10

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

STEPHEN L POHLMAN
Election Authority (printed)

Stephen L Pohlman
Election Authority (signature)

Jersey county
Election Authority Jurisdiction

10-27-2010
Date

Jo Daviess County

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-2 Filed: 10/28/10 Page 2 of 82 PageID #:211
OCT-25-2010 MON 03:27 PM JO DAVIESS CO RECORDER FAX NO. 815 777 3688 P. 03/03

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Jean Dimke
Election Authority (printed)

Jean Dimke
Election Authority (signature)

Jo Daviess
Election Authority Jurisdiction

10/25/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Robin Harper Whitehead
Election Authority (printed)

Robin Harper Whitehead
Election Authority (signature)

Johnson
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 497

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

497

9-20-10

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

KANE COUNTY
 Election Authority (printed)


 Election Authority (signature)

KANE COUNTY
 Election Authority Jurisdiction

10-27-10
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 17

Number of UOCAVA ballots sent out on or before September 18, 2010: 17

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:

Date sent:

Reason

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-2 Filed: 10/28/10 Page 8 of 82 PageID #:217
OCT-27-2010 15:30 From: KANKAKEE CO CLERK 815 939 8831 To: 12175245574 P.3/3

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Bruce Clark
Election Authority (printed)

Bruce Clark
Election Authority (signature)

Kankakee County, Illinois
Election Authority Jurisdiction

October 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 6

Number of UOCAVA ballots sent out on or before September 18, 2010: 6

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Debbie Gillette
Election Authority (printed)


Election Authority (signature)

Kendall County
Election Authority Jurisdiction

Oct 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 10

Number of UOCAVA ballots sent out on or before September 18, 2010: 10

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

SCOTT GLECKSON
 Election Authority (printed)


 Election Authority (signature)

Knox County
 Election Authority Jurisdiction

10/25/10
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1191

Number of UOCAVA ballots sent out on or before September 18, 2010: 1191

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	<u>NA</u>	Date sent:*
_____		_____
_____		_____
_____		_____
_____		_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>NA</u>		
_____		_____
_____		_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Willard R. Helander
Election Authority (printed)

Willard R. Helander
Election Authority (signature)

Lake County
Election Authority Jurisdiction

10-25-2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010:

69

Number of UOCAVA ballots sent out on or before September 18, 2010:

69

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

See following page

Add additional pages if necessary.

- ① 10 07 10 - Rec. 10 08 10
sent via us mail -
but re-sent 10 25 10 via e-mail
- ② 10 06 10 - rec 10 07 10
sent via mail
but re-sent 10 25 10 via e-mail
- ③ 10 04 10 - Rec. 10 07 10
sent via mail
but re-sent 10 25 10 via e-mail
- ④ Voter had used part of the VACM4
program but had also called and
requested we send him a ballot
application. He had completed
the application process on line -
received some application - due to
initial confusion in the process
a ballot for all was provided
to the voter.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

JoAnn Caretto JoAnn Caretto
 Election Authority (printed) Election Authority (signature)

LaSalle
 Election Authority Jurisdiction

10 25 10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 21

Number of UOCAVA ballots sent out on or before September 18, 2010: 20

If requested, but not sent on or before September 18, ~~in~~ in ~~to~~ to ~~be~~ be ~~sent~~ sent ~~within 2 days of the~~ within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>1</u>	<u>October 12, 2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~This was a 2008 absentee application he filled out before going to boot camp, and I finally tracked him down, at his address in North Carolina, and mailed a ballot to him when got our absentee ballots in.~~

~~Date requested: 9/17/2010 Date sent: 10/12/2010~~

~~9/17/2010~~

~~10/12/2010~~

~~This was a 2008 absentee application he filled out before going to boot camp, and I finally tracked him down, at his address in North Carolina, and mailed a ballot to him when got our absentee ballots in.~~

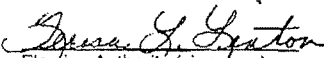
~~Add additional pages if necessary~~

I emailed two ballots on Monday to two military personnel that I mailed two ballots to after getting their current address from his mother. Mailed them to the Virginia address, then subsequently emailed that ballots following the directive I received. They have not responded to where I should send a prepaid express mail pickup. Their application was originally from 2008 also.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

~~I hereby attest that the foregoing information is true and correct.~~

Teresa L. Linton
 Election Authority (printed)


 Election Authority (signature)

Lawrence County, Illinois
 Election Authority Jurisdiction

October 27, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 62

Number of UOCAVA ballots sent out on or before September 18, 2010: 62

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

N/A

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s). N/A

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

N/A

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Nancy Nelson
Election Authority (printed)

Lee County IL
Election Authority Jurisdiction

Nancy Nelson

by Deb Phillips, Deputy
Election Authority (signature)

10/26/2010
Date

PAGE 01/02
Livingston County

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 3

If requested but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

Date requested: _____ Date sent: _____ Reason:

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct

Kristy A. Masching
 Election Authority (printed)

Kristy A. Masching
 Election Authority (signature)

Livingston County
 Election Authority Jurisdiction

10-25-10
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7

Number of UOCAVA ballots sent out on or before September 18, 2010: 7

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

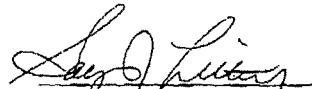
Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Sally J. Litterly
 Election Authority (printed)


 Election Authority (signature)

Logan County, Illinois
 Election Authority Jurisdiction

10/26/10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 134

Number of UOCAVA ballots sent out on or before September 18, 2010: 134

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 5, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Attached list w/ details

All ballots emailed on mail as requested in

Add additional pages if necessary.

A timely fashion

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Stephen Bean
Election Authority (printed)

Stephen Bean
Election Authority (signature)

MACON
Election Authority Jurisdiction

10/27/10
Date

<div> <div>Date: 10/26/10</div> <div>Time: 09:38:20 AM</div> <div>Election: 1110</div> <div>Absentee Type: MD</div> <div>All Return Statuses</div> </div>				<div> <div>MACON COUNTY</div> <div>Absentee Ballot List</div> <div>Order By / Number</div> </div>				<div> <div>ab list (v.090922)</div> <div>Page: 1</div> </div>			
Type	Vol#	Req #	Name	Address Line 1	Precinct	Sub	Bit	Party	Request	Printed	Returned Status
MD	00034817	1			0802	16	89	N-P	10/25/10	10/25/10	
MD	00035835	1			0107	03	7	N-P	08/20/10	09/14/10	
MD	00035976	1			0806	03	92	N-P	08/24/10	09/16/10	
MD	00041172	1			0135	03	47	N-P	10/25/10	10/25/10	
MD	00047312	1			1102	72	101	N-P	10/04/10	10/04/10	
MD	00047763	2			0808	31	75	N-P	09/25/10	09/29/10	10/07/10 OK
MD	00049639	1			0604	52	89	N-P	08/24/10	09/15/10	
MD	00051003	2			0604	52	89	N-P	09/28/10	09/28/10	
MD	00051003	1			0604	52	89	N-P	08/23/10	09/14/10	09/28/10 X
MD	00051180	1			0109	14	9	N-P	08/23/10	09/14/10	
MD	00061481	1			1603	95	118	N-P	10/25/10	10/25/10	
MD	00066869	1			0140	13	54	N-P	08/24/10	09/15/10	
MD	00068900	1			0304	70	89	N-P	08/23/10	09/15/10	
MD	00070308	1			0127	01	36	N-P	08/24/10	09/15/10	
MD	00071814	1			0120	01	25	N-P	08/23/10	09/14/10	
MD	00071937	1			0806	05	92	N-P	08/20/10	09/14/10	
MD	00073775	1			1501	11	112	N-P	08/23/10	09/14/10	
MD	00074500	1			0133	04	42	N-P	08/20/10	09/14/10	
MD	00077202	1			0133	04	42	N-P	08/20/10	09/14/10	
MD	00078838	1			0805	47	71	N-P	08/23/10	09/14/10	10/19/10 OK
MD	00087121	1			0135	05	46	N-P	08/23/10	09/14/10	
MD	00087344	1			0128	01	37	N-P	08/23/10	09/14/10	10/23/10 OK
MD	00087765	1			0114	34	15	N-P	08/23/10	09/14/10	10/15/10 UN
MD	00088422	1			0102	04	2	N-P	08/20/10	09/14/10	
MD	00089306	1			0301	30	64	N-P	08/20/10	09/14/10	09/28/10 UN
MD	00090205	1			0809	52	78	N-P	08/24/10	09/15/10	10/05/10 UN
MD	00091050	1			0801	10	85	N-P	08/24/10	09/15/10	
MD	00095489	1			0124	18	33	N-P	08/24/10	09/15/10	10/19/10 OK
MD	00096560	1			1101	66	99	N-P	08/20/10	09/14/10	10/19/10 OK
MD	00097273	1			0803	52	67	N-P	08/23/10	09/15/10	
MD	00097407	1			0137	06	50	N-P	08/24/10	09/15/10	
MD	00097614	1			0125	04	34	N-P	08/24/10	09/15/10	
MD	00100081	1			1501	10	112	N-P	08/24/10	09/16/10	
MD	00100308	1			1101	66	99	N-P	08/20/10	09/14/10	
MD	00100802	1			0125	04	34	N-P	08/24/10	09/15/10	
MD	00101715	1			0805	72	91	N-P	08/20/10	09/14/10	
MD	00103347	2			0807	10	93	N-P	08/20/10	09/20/10	
MD	00103347	1			0807	10	93	N-P	08/23/10	09/15/10	09/28/10 X

MACON COUNTY
Absentee Ballot List

Date: 10/26/10
Time: 09:38:20 AM
Election: 11:10
Absentee Type: MD
All Return Statuses

ab-iki (v-050922)
Page: 2

Order By Idnumber

Type Voter #	Req #	Name	Address Line 1	Precinct	Sub	BL	Party	Request	Printed	Returned Status
MD 00104081	2			0809	06	96	N-P	09/29/10	09/29/10	
MD 00104051	1			0809	06	96	N-P	08/20/10	09/14/10	09/29/10 X
MD 00103211	1			0805	38	90	N-P	10/16/10	10/16/10	
MD 00105791	1			0801	58	65	N-P	08/23/10	09/14/10	10/20/10 OK
MD 00105999	1			0803	52	67	N-P	08/24/10	09/15/10	09/24/10 UN
MD 00108434	1			1103	72	102	N-P	08/23/10	09/14/10	10/15/10 UN
MD 00104866	1			0128	01	37	N-P	08/23/10	09/14/10	
MD 00110466	1			0607	44	74	N-P	08/24/10	09/15/10	
MD 00111071	1			0116	16	20	N-P	08/23/10	09/14/10	
MD 00111173	1			1401	00	110	N-P	08/24/10	09/15/10	09/24/10 X
MD 00111310	1			0901	21	98	N-P	08/23/10	09/14/10	
MD 00111403	1			0808	03	94	N-P	08/23/10	09/14/10	10/02/10 UN
MD 00113570	1			0141	04	55	N-P	08/24/10	09/16/10	10/06/10 UN
MD 00116590	1			0128	01	37	N-P	08/20/10	09/14/10	
MD 00116750	1			0139	16	53	N-P	08/23/10	09/14/10	
MD 00116787	1			0809	05	96	N-P	08/24/10	09/16/10	09/22/10 X
MD 00116918	1			0809	05	96	N-P	10/02/10	10/02/10	
MD 00116918	2			1201	76	107	N-P	08/24/10	09/15/10	
MD 00117435	1			0803	11	95	N-P	08/20/10	09/14/10	
MD 00115999	1			1704	11	126	N-P	09/13/10	09/14/10	
MD 00118605	1			0116	16	20	N-P	08/23/10	09/15/10	
MD 00118621	1			0140	13	54	N-P	08/23/10	09/15/10	
MD 00118629	1			0130	01	39	N-P	08/24/10	09/15/10	
MD 00118636	1			0601	34	65	N-P	08/24/10	09/15/10	10/04/10 OK
MD 00118646	1			0701	41	84	N-P	08/24/10	09/15/10	
MD 00118649	1			0803	02	88	N-P	08/24/10	09/15/10	
MD 00118650	1			0803	02	88	N-P	08/24/10	09/16/10	
MD 00118655	1			0808	31	75	N-P	09/29/10	09/29/10	10/07/10 OK
MD 00119385	2			0111	04	11	N-P	09/29/10	09/29/10	10/17/10 OK
MD 00119326	2			0111	04	11	N-P	08/24/10	09/15/10	09/29/10 X
MD 00119326	1			0111	04	11	N-P	08/23/10	09/15/10	
MD 00119352	1			0117	14	21	N-P	08/24/10	09/16/10	
MD 00119394	1			0117	14	21	N-P	08/24/10	09/16/10	
MD 00120103	1			0105	04	5	N-P	09/17/10	09/17/10	10/17/10 OK
MD 00120123	2			0105	04	5	N-P	08/24/10	09/15/10	09/17/10 X
MD 00120123	1			0141	04	55	N-P	08/24/10	09/15/10	09/28/10 UN
MD 00120225	1			0603	52	67	N-P	08/20/10	09/14/10	

Redacted

Date: 10/26/10 Time: 09:38:20 AM Election: 110 Absentee Type: MD All Return Statuses				MACON COUNTY Absentee Ballot List Order By Idnumber				ab_list(v.090922) Page: 3			
Type Voter #	Req #	Name	Address Line 1	Precinct	Sub	Ball	Party	Request	Printed	Returned	Status
MD 00120702	1			0140	13	54	N-P	08/24/10	09/15/10		
MD 00120976	1			0137	06	50	N-P	08/23/10	09/15/10	10/04/10	OK
MD 00121044	1			0129	03	38	N-P	08/24/10	09/15/10		
MD 00121500	1			0603	52	67	N-P	08/24/10	09/16/10		
MD 00121949	1			0107	03	7	N-P	08/24/10	09/16/10	10/20/10	UN
MD 00123650	1			0141	04	55	N-P	08/24/10	09/15/10	10/07/10	UN
MD 00124984	1			1702	21	124	N-P	08/23/10	09/15/10	10/19/10	OK
MD 00125145	1			1701	10	123	N-P	08/24/10	09/15/10	10/06/10	X
MD 00125145	2			1701	10	123	N-P	10/06/10	10/06/10		
MD 00125593	1			0109	14	9	N-P	08/24/10	09/15/10		
MD 00127720	1			1401	00	110	N-P	08/20/10	09/14/10	10/07/10	UN
MD 00127741	1			0136	03	47	N-P	08/23/10	09/14/10		
MD 00127746	1			1501	10	112	N-P	08/24/10	09/15/10		
MD 00127765	1			0805	71	91	N-P	08/23/10	09/14/10	09/24/10	X
MD 00127766	2			0805	71	91	N-P	10/04/10	10/04/10	10/23/10	OK
MD 00127767	1			0901	22	98	N-P	08/23/10	09/14/10	10/06/10	UN
MD 00127775	1			18 0125	01	35	N-P	08/23/10	09/14/10		
MD 00127981	2			0136	03	47	N-P	10/06/10	10/06/10		
MD 00127981	1			3 0136	03	47	N-P	08/23/10	09/14/10	10/06/10	X
MD 00128004	1			1703	27	125	N-P	08/24/10	09/15/10		
MD 00128136	2			0108	14	8	N-P	10/06/10	10/06/10		
MD 00128136	1			0108	14	8	N-P	08/23/10	09/14/10	10/06/10	X
MD 00128213	1			0511	52	82	N-P	08/23/10	09/14/10	09/24/10	X
MD 00128213	2			0511	52	82	N-P	09/24/10	09/24/10		
MD 00128225	1			0105	04	5	N-P	08/24/10	09/15/10	10/20/10	UN
MD 00128404	1			0111	04	11	N-P	08/20/10	09/14/10		
MD 00128409	1			0103	01	3	N-P	08/24/10	09/15/10		
MD 00128634	1			1601	84	114	N-P	08/23/10	09/15/10		
MD 00128782	2			0806	03	92	N-P	09/20/10	09/20/10		
MD 00128782	1			0806	03	92	N-P	08/26/10	09/15/10	09/20/10	X
MD 00128916	1			0110	14	10	N-P	08/20/10	09/14/10	10/04/10	OK
MD 00129141	1			0119	15	24	N-P	08/24/10	09/15/10	10/20/10	UN
MD 00129353	1			0140	85	54	N-P	08/23/10	09/14/10		
MD 00129722	1			0140	13	54	N-P	08/24/10	09/15/10	10/22/10	OK
MD 00129893	1			0605	77	72	N-P	08/23/10	09/14/10		
MD 00129894	1			0605	77	72	N-P	08/23/10	09/14/10		
MD 00129925	1			0127	01	36	N-P	08/24/10	09/15/10	10/06/10	X
MD 00129925	2			0127	01	36	N-P	10/06/10	10/06/10		

Redacted

Date: 10/26/10		MACON COUNTY		ab_list (v.080922)				
Time: 09:38:20 AM		Absentee Ballot List		Page: 4				
Election: 1110								
Absentee Type: MD								
All Return Statuses								
Order By Idnumber								
Address Line 1								
Type Voter #	Reg # Name	Precinct	Sub	Blk	Party	Request	Printed	Returned Status
MD 00130041	1	0132	03	41	N-P	08/23/10	09/14/10	
MD 00132866	1	1703	27	125	N-P	08/24/10	09/15/10	09/28/10 X
MD 00132866	2	1703	27	125	N-P	09/28/10	09/28/10	

Redacted

Date: 10/26/10 Time: 09:38:49 AM Election: 1110 Absence Type: MO All Return Stages				MACON COUNTY Absentee Ballot List				ab_list (v.090822)			
Type	Voter #	Req #	Name	Address Line 1	Precinct	Sub	BR	Party	Request	Printed	Returned Status
MO	00000393	1			0106	04	5	N-P	10/20/10	10/20/10	10/20/10 X
MO	0001428	1			0606	77	72	N-P	10/20/10	10/20/10	10/20/10 X
MO	0006927	1			0603	60	59	N-P	10/20/10	10/20/10	10/20/10 X
MO	0000995	1			0138	14	51	N-P	10/20/10	10/20/10	10/20/10 X
MO	00014942	1			1702	20	124	N-P	08/20/10	09/14/10	
MO	00014943	1			1702	20	124	N-P	09/20/10	09/14/10	
MO	00226470	1			0601	34	65	N-P	10/20/10	10/20/10	10/20/10 X
MO	00047763	1			0608	31	75	N-P	08/23/10	09/15/10	09/29/10 X
MO	00051349	1			0612	35	83	N-P	10/20/10	10/20/10	
MO	0009201	1			0115	14	17	N-P	09/24/10	09/15/10	
MO	00060263	1			0901	20	96	N-P	10/20/10	10/20/10	10/20/10 X
MO	00076032	1			0123	01	30	N-P	09/24/10	09/16/10	10/20/10 UN
MO	00082693	1			1102	72	101	N-P	10/20/10	10/20/10	10/20/10 X
MO	00090710	1			0122	04	27	N-P	09/16/10	09/16/10	10/15/10 OK
MO	0009652	1			0115	14	17	N-P	08/23/10	09/14/10	
MO	00101549	1			0137	05	49	N-P	09/24/10	09/15/10	
MO	00104224	1			0608	94	75	N-P	10/20/10	10/20/10	10/20/10 X
MO	00106456	1			1602	82	115	N-P	09/24/10	09/15/10	10/15/10 UN
MO	00111310	2			1601	85	114	N-P	09/24/10	09/15/10	
MO	00111757	1			1401	00	110	N-P	09/24/10	09/24/10	
MO	00111795	1			1501	84	114	N-P	08/23/10	09/14/10	
MO	00116724	1			0102	04	2	N-P	09/24/10	09/15/10	
MO	00116855	1			0126	01	35	N-P	09/24/10	09/15/10	
MO	00117032	1			0117	14	21	N-P	09/24/10	09/15/10	09/28/10 UN
MO	00118504	1			0607	44	74	N-P	09/24/10	09/15/10	
MO	00118504	1			0136	12	48	N-P	08/23/10	09/14/10	
MO	00118532	1			0604	52	69	N-P	09/24/10	09/15/10	10/15/10 UN
MO	00118538	1			1702	20	124	N-P	09/24/10	09/15/10	10/15/10 OK
MO	00119195	1			1601	85	114	N-P	09/24/10	09/15/10	10/21/10 OK
MO	00120161	1			0608	31	75	N-P	08/23/10	09/15/10	09/29/10 X
MO	00120593	1			0401	22	63	N-P	10/20/10	10/20/10	10/20/10 X
MO	00121593	1			0607	44	74	N-P	08/23/10	09/15/10	10/15/10 UN
MO	00123436	1			0809	20	97	N-P	08/20/10	09/14/10	
MO	00123474	1			0105	04	5	N-P	08/20/10	09/14/10	
MO	00123481	1			0118	01	22	N-P	09/24/10	09/15/10	
MO	00124451	1			0111	04	11	N-P	09/23/10	09/14/10	
MO	00124451	1			0102	04	2	N-P	09/24/10	09/15/10	
MO	00127745	1			1201	76	107	N-P	08/24/10	09/15/10	

Redacted

Date: 10/26/10 Time: 09:38:49 AM Election: 1110 Absentee Type: MO All Return Statuses			MACON COUNTY Absentee Ballot List Order By Idnumber			ab_list (V.090922) Page: 2				
Type Voter #	Req #	Name	Address Line 1	Precinct	Sub	Blk	Party	Request	Printed	Returned Status
MO 00127756	1			0110	14	10	N-P	08/24/10	09/15/10	10/15/10 UN
MO 00127757	1			0129	03	38	N-P	08/24/10	09/15/10	10/23/10 UN
MO 00127760	1			0129	03	38	N-P	08/24/10	09/15/10	10/23/10 UN
MO 00127776	1			0139	56	53	N-P	08/24/10	09/15/10	
MO 00128024	1			1601	86	114	N-P	08/24/10	09/15/10	
MO 00128439	1			0120	01	25	N-P	08/24/10	09/15/10	

Redacted

18

Date: 10/26/10 Time: 09:39:08 AM Election: 1110 Absentee Type: MR All Return Statuses		MACON COUNTY Absentee Ballot List Order By Number		ab_list (v.090922) Page: 1	
Type Voter #	Req #	Name	Address Line 1	Precinct	Sub
MR	00101809	1		1001	86
					114
					N-P
					Request
					08/24/10
					Printed
					09/15/10
					Returned Status

Redacted

Ballots Listed 1

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested on or before September 18, 2010: 78

Number of UOCAVA ballots sent out on or before September 18, 2010: 38

Number sent:

Date sent:*

40

9/20/10

2

10/7/10 (these were received after Sept 18th)

mailed & emailed both)

2

10/13/10 (know the individuals; knew they

moved & obtained the current mailing address)

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Please be advised that of the ballots sent on September 17th & 20th:

2 individuals we have received notice they are now registered to vote in another state so they should be removed from the numbers

21 ballots were returned undeliverable of those: 1 is home & voted early & 1 sent corrected address, voted ballot is back;

19 ballots individuals did not have email addresses to try to contact them to sent where a ballot could be sent & those ballots have not been returned undeliverable

Any individuals who had an email address I made contact with them & have sent an email ballot even if it was not requested. Of the 21 individuals contacted by email

9 had an email address that either was originally incorrect or no longer uses.

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Michelle A Zippary
Election Authority (printed)

Michelle A Zippary
Election Authority (signature)

Macoupin County
Election Authority Jurisdiction

10-27-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 115

Number of UOCAVA ballots sent out on or before September 18, 2010: 115

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

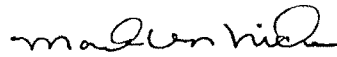
Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Mark Von Nida

Election Authority (printed)



Election Authority (signature)

Madison County
Election Authority Jurisdiction

10/27/2010

Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 5

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

5

Sept 21, 2010

2 WORKING
DAYS
all
sent

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

ALL SENT
timely and
By Method

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Steve Bailey
 Election Authority (printed)

Steve Bailey
 Election Authority (signature)

Marion County
 Election Authority Jurisdiction

10-25-2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 2

Number of UOCAVA ballots sent out on or before September 18, 2010: 2

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

1 10/2/10 e-mailed voter and requested signature.
Received signature 10/2/10 and mailed ballot, Voter requested e-mail and paper ballot
was returned 10/8/10

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

10/12/10 10/14/10 e-mailed voter as no home address on
application. No response, called his mother who brought in address and it was mailed
immediately. Ballot not back, e-mailed another 10/25/10 at 3:53 p.m. with instructions.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Andrea J. Mahoney-Platt
Election Authority (printed)

Andrea J. Mahoney-Platt
Election Authority (signature)

Marshall
Election Authority Jurisdiction

10/25/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 3

If ~~requested but~~ not sent on or before September 18, ~~or not sent within 12 days of the request~~, how many were sent and on what date?

Number sent:

Date sent:*

N/A

All ballots
have been
received back
from voters

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

Date requested: _____ Date sent: _____ Reason:

N/A

Add additional pages if necessary

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing information is true and correct.~~

William R. Blessman
Election Authority (printed)


Election Authority (signature)

Mason County
Election Authority Jurisdiction

10-25-10
Date

FAX NO. : 1 618 524 6514

Oct. 25 2010 03:40PM F2

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

4

October 8 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B

Notes: US CAYAs helped the job requested after September 14, 2010 were not included in a survey because US CAYAs were decreasing in numbers and were not a significant part of the total number of CAYAs in the information.

Date requested: 11/11/2011 Date sent: 11/11/2011 Reason:

NONE

Add additional pages, if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

JOHN D TAYLOR
Election Authority (printed)

John D Taylor
Election Authority (signature)

MASSAC
Election Authority Jurisdiction

10-25-2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7

Number of UOCAVA ballots sent out on or before September 18, 2010: 7

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

All were sent by the 18th

Also any requests are sent
out within 24 hrs.

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Gretchen DeBrynes
Election Authority (printed)

Gretchen DeBrynes
Election Authority (signature)

McDonough County
Election Authority Jurisdiction

10/26/2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 57

Number of UOCAVA ballots sent out on or before September 18, 2010: 57

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Katherine C. Schultz
Election Authority (printed)

Katherine C. Schultz
Election Authority (signature)

McHenry County
Election Authority Jurisdiction

10/27/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 18

Number of UOCAVA ballots sent out on or before September 18, 2010: 18

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>10/6/10</u>	<u>10/6/10</u>	<u>Clerical Error - should have been sent via email</u>
<u>10/15/10</u>	<u>10/15/10</u>	<u>" "</u>

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

DeeAnn Milton
Election Authority (printed)

DeeAnn Milton
Election Authority (signature)

McLean County
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 8

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

19-24-201079-30-2010

*Should any of these dates be October 8, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If any UOCAVA ballots requested after September 18, 2010 were not transmitted in accordance with UOCAVA's terms, regarding business and delivery method of transmission, please provide the following information:

Date requested: Date sent: Reason

Add additional pages if necessary

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing information is true and correct.~~

Gene Treder
Election Authority (printed)

Gene Treder
Election Authority (signature)

Marion County
Election Authority Jurisdiction

10-25-10
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 11

Number of UOCAVA ballots sent out on or before September 18, 2010: 11

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Phyllis A. Bewley
 Election Authority (printed)

Phyllis A. Bewley
 Election Authority (signature)

Merger
 Election Authority Jurisdiction

10/25/10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 17

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:

17

SEPT. 23, 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:

Date sent:

Reason

* ALL BALLOTS
REQUESTED AFTER
9/18/2010 WERE
SENT IN A TIMELY
FASHION IN THE
METHOD PREFERRED.


Add additional pages if necessary.

* ALL OF THESE WERE SENT WITHIN TWO DAYS OR LESS.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

DENNIS U. KNOBLOCH
Election Authority (printed)


Election Authority (signature)

MONROE COUNTY
Election Authority Jurisdiction

10 / 26 / 2010
Date

58E to Chris Gray
(217) 524-5574
2 pages

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1

Number of UOCAVA ballots sent out on or before September 18, 2010: 1

If requested but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:
<u>N/A</u>	<u>N/A</u>
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>N/A</u>		
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Sandy Leithiser
 Election Authority (printed)

Sandy Leithiser
 Election Authority (signature)

Montgomery County, IL
 Election Authority Jurisdiction

10/25/10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 52

Number of UOCAVA ballots sent out on or before September 18, 2010: —

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>52</u>	<u>9-24-2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

BARBARA J. GROSS
Election Authority (printed)

Barbara J. Gross
Election Authority (signature)

MORGAN
Election Authority Jurisdiction

10-27-2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

1

9/23/2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested:

Date sent:

Reason

N/A

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

GEORGIA C. ENGLAND
Election Authority (printed)

Georgia C. England
Election Authority (signature)

MOULTRIE
Election Authority Jurisdiction

October 26, 2010
Date

Ogle County

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 5

Number of UOCAVA ballots sent out on or before September 18, 2010: 5

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

00

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: Date sent: Reason

000

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Rebecca Huntley
Election Authority (printed)

Rebecca Huntley
Election Authority (signature)

Ogle County
Election Authority Jurisdiction

10-27-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 82

Number of UOCAVA ballots sent out on or before September 18, 2010: 82

If requested, but not sent on or before September 18, or not sent within 2 days of the request; how many were sent and on what date?

Number sent:	Date sent:*
<u>3</u>	<u>10-18-10; 10-22-10; and 10-25-10 (see below)</u>
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

<u>Date requested:</u>	<u>Date sent:</u>	<u>Reason</u>
------------------------	-------------------	---------------

<u>10-4-2010</u>	<u>10-25-2010</u>	This voter was sent a ballot on 9-3-10 by the method of delivery requested. On 10-4-10, he emailed me a write-in ballot and a new FPCA. I emailed him back the same date and explained that we could not accept emailed ballots and that he would have to send the ballot with his ballot certification. I attached to the email a ballot certification and ballot instructions. I never heard back from this voter. On 10-25-10, I asked the SBE if we should send him another ballot. In his second FPCA he had given his address in SC as the place for delivery, so we express mailed a ballot to this address with an express return envelope.
------------------	-------------------	---

Date requested: Date sent: Reason

10-5-1200 10-18-2010 This voter was sent a ballot on 9-3-10 by the method of delivery requested. On 10-5-10 he contacted this office and said he did not receive his ballot. I contacted the SBE, because we don't normally send out second ballots unless it is returned to this office as undeliverable. On 10-18-10 the SBE said to send him a second ballot; we sent the ballot to address per his instructions on his FPCA. We contacted this voter on 10-25-10 to offer him express return mail, but he said he had already sent the ballot back. This voter's ballot was returned on 10-26-10.

10-20-2010 10-22-2010 Part of this voter's information, including his first name in his signature, was cut off when he scanned his FPCA. My staff member who processed this request sent the voter an email to explain what happened and asked him to re-scan and re-send his FPCA. I became aware of this on 10-22-10. This voter was already registered in our system, and his last name in his signature matched what we had on file, so I instructed that his ballot be sent to him. We contacted this voter by phone and email on 10-25-10 and offered express mail to return his ballot, but he declined.

9-30-2010 Never This voter requested a ballot in the IVRS MOVE module, never sent her FPCA and subsequently canceled her request.

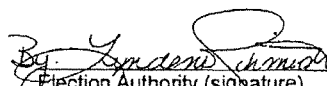
We had a military ballot sent on 9-3-2010 and returned as undeliverable on 10-26-2010. We called the voter and sent his ballot express mail on 10-26-2010 to the address he requested; we included return express mail.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

PEORIA COUNTY CLERK
Election Authority (printed)

By: 
Election Authority (signature)
Chief Deputy

PEORIA County
Election Authority Jurisdiction

10-27-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 23

Number of UOCAVA ballots sent out on or before September 18, 2010: 23

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

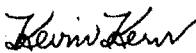
Date requested:	Date sent:	Reason
<u>None</u>		

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Kevin Kern
Election Authority (printed)


Election Authority (signature)

Perry County
Election Authority Jurisdiction

October 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 4

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

4

September 21, 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

None

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Pat Rhoades
Election Authority (printed)

Pat Rhoades
Election Authority (signature)

Platt County
Election Authority Jurisdiction

10/25/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Donnie Apps
Election Authority (printed)

Donnie Apps
Election Authority (signature)

Pike County
Election Authority Jurisdiction

10-25-10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 8, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u>NONE</u>		
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Connie S. Gibbs
Election Authority (printed)

Connie S. Gibbs
Election Authority (signature)

Pope
Election Authority Jurisdiction

October 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

3

Date sent:*

10/8/2010

10/22/2010

10/22/2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

N/A

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Julie Sauerbrunn
 Election Authority (printed)

Julie Sauerbrunn
 Election Authority (signature)

Pulaski County
 Election Authority Jurisdiction

10-27-10
 Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If ~~requested but~~ not sent on or before September 18, ~~or not sent within 2 days of the request~~, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

~~Thereby attest that the foregoing information is true and correct.~~

DANIEL S. KUHN
Election Authority (printed)


Election Authority (signature)

PUTNAM COUNTY
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 6

Number of UOCAVA ballots sent out on or before September 18, 2010: 6

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>6</u>	<u>9-18-2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.


Date requested:	Date sent:	Reason
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

PAT LARAMORE
 Election Authority (printed)


 Election Authority (signature)

RANDOLPH
 Election Authority Jurisdiction

10-25-2010
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 23

Number of UOCAVA ballots sent out on or before September 18, 2010: 23

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date? N/A

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

2 ballots 10/8/10 10/8/10 } ballots mailed First Class USPS.
 Not able to scan, or
 send email ballot.

Add additional pages if necessary.

Both have been voted and
 in return mail to us.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Alise Mullinax
 Election Authority (printed)

Alise Mullinax
 Election Authority (signature)

Richland
 Election Authority Jurisdiction

Oct 26, 2010
 Date

collected

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 160

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

44

Sept 20, 2010

1

Sept 22, 2010

3

Sept 23, 2010

12

Sept 24, 2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: Date sent: Reason

Add additional pages if necessary

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the foregoing information is true and correct.~~

Prepared by
Brenda Terrell

Dianna L. Ruhl
Election Authority (printed)

Dianna L. Ruhl
Election Authority (signature)

Rock Island Co.
Election Authority Jurisdiction

Oct. 26, 2010
Date

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 6 of 76 PageID #: 297
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 26

Number of UOCAVA ballots sent out on or before September 18, 2010: 26

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: 10-13-2010 Date sent: 10-14-2010 Reason

One ballot requested by MOVE site but due to technical difficulties with the MOVE site the ballot had to be E-mailed.

OK for the State Board of Elections to use for the 2010 election.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct:

Willie McClusky _____
Election Authority (printed)

Willie McClusky _____
Election Authority (signature)

Saline County _____
Election Authority Jurisdiction

10-26-2010 _____
Date

Certification
Sent to all 110 Illinois Election Authorities

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A.

Number of UOCAVA ballots requested on or before September 18, 2010: 272

Number of UOCAVA ballots sent out on or before September 18, 2010: 272

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Joe Aiello
Election Authority (printed)

Joe Aiello
Election Authority (signature)

Sangamon County
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 5

Number of UOCAVA ballots sent out on or before September 18, 2010: 1

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

1

9/30/2010

2

10/5/2010

1

not sent - divorced & no longer military

1

re-registered in Schuyler County

9/15/2010

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

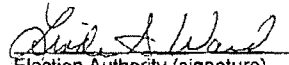
Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Linda S. Ward
 Election Authority (printed)


 Election Authority (signature)

Schuyler County
 Election Authority Jurisdiction

10/26/2010
 Date

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested on or before September 18, 2010: 2

Number of UOCAVA ballots sent out on or before September 18, 2010: 2

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

5

September 27, 2010

XXXXXXXXXXXXXXXXXXXX

—————

www.elsevier.com/locate/jmb

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

.....

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Barbara McDade
 Election Authority (printed)

Barbara McDade
 Election Authority (signature)

Scott County
 Election Authority Jurisdiction

10/26/10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 44

Number of UOCAVA ballots sent out on or before September 18, 2010: 44

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and affect the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

KATHY A. LANTZ
 Election Authority (printed)

Kathy A. Lantz
 Election Authority (signature)

[Signature]
 Election Authority Jurisdiction

10/25/10
 Date

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>1</u>	<u>10-6-2010</u>
<u>1</u>	<u>10-20-2010</u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s). *I sent them two-day priority mail !!!*

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
NONE		

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 17 of 76 PageID #:308
 10-27-10 13:54 FROM-stark cty clerk 3092864039 T-842 P002/002 F-222

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

LINDA K. PYELL
 Election Authority (printed)

Linda K. Pyell
 Election Authority (signature)

STARK COUNTY
 Election Authority Jurisdiction

OCTOBER 27, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1,207

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>1,207</u>	<u>October 4, 2010</u>
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

See attached - Absentee Voter List and additional information.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Bob Delaney, County Clerk
Election Authority (printed)

Bob Delaney
Election Authority (signature)

St. Clair County
Election Authority Jurisdiction

October 27, 2010
Date

MILITARY-E-MAIL - REQUESTS

<u>MILITARY OVERSEAS & REG OVERSEAS</u>	<u>MILITARY</u>	<u>DOMESTIC</u>
REQUESTED: 121	133	26
RETURNED: 18	35	4
E-MAILED: 89	89	15
BAD E-MAILS: 14	9	7

TOTALS:

TOTAL E-MAILS REQUESTED:	280
TOTAL ALREADY RETURNED:	57
TOTAL E-MAILED:	193
TOTAL BAD E-MAILS:	30

BALLOTS E-MAILED ONLY REQUESTED AFTER 10-18-10- NOT IN ORIGINAL COUNT:	16
--	----

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 21 of 76 PageID #:312

BOB DELANEY COUNTY CLERK ST CLAIR COUNTY 2010 GENERAL ELECTION, 11/02/2010 Absentee Voter Listing for Election By Name					Application Type Local Election Authority	
Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	
<i>* indicates E-mail request and date E-mailed</i>	2800	00077795				MILITARY
		Precinct: 040003				
	1422	001019465				MILITARY
		Precinct: 030003				
	2081	001030805				MILITARY
		Precinct: 050003				
	1285	001026733				MILITARY
		Precinct: 070022				
	* 3625	001066333				MILITARY
		Precinct: 090005				
	5213	001028739				MILITARY
		Precinct: 080012				
	2547	000970817				MILITARY
		Precinct: 210003				
	3064	001050149				MILITARY
		Precinct: 070026				
	1602	000982124				MILITARY
		Precinct: 080004				
	* 3065	001031384				MILITARY
		Precinct: 080011				

Redacted

NVA002L.RPT

Case: 1:10-cv-006800 Document #: 18-3 Filed: 10/28/10 Page 23 of 76 PageID #: 314

BOB DELANEY COUNTY CLERK ST. CLAIR COUNTY 2010 GENERAL ELECTION, 11/02/2010 Absentee Voter Listing for Election By Name					Application Type Local Election Authority	
Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type Local Election Authority
Redacted						
2759	000522072					MILITARY
	Precinct: 070007					
2801	000510439					MILITARY
	Precinct: 080012					
5216	001050328					MILITARY
	Precinct: 080026					
4021	001004746					MILITARY
	Precinct: 050001					
3236	001033747					MILITARY
	Precinct: 100009					
4178	001059883					MILITARY
	Precinct: 080027					
51425	001005044					MILITARY
	Precinct: 070027					
2553	001049886					MILITARY
	Precinct: 050001					

PWA302L.RPT

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 24 of 76 PageID #:315

BOB DELANEY
COUNTY CLERK
ST CLAIR COUNTY
2010 GENERAL ELECTION, 11/02/2010
Absentee Voter Listing for Election By Name

Report Criteria: ElectionId = 55 And AppType = "MILITARY" And AppRequestDate >= Date(2010, 9, 19) And AppRequestDate <= Date(2010, 10, 17)

Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type Local Election Authority
1278	000965113 Precinct: 100021					MILITARY
4023	001012023 Precinct: 070023					MILITARY
1281	000908368 Precinct: 020002					MILITARY
1280	000907440 Precinct: 020002					MILITARY
775	001027879 Precinct: 060018					MILITARY
1611	001015390 Precinct: 060015					MILITARY
1967	000989860 Precinct: 060008					MILITARY
2561	001025927 Precinct: 060006					MILITARY
1970	000561399 Precinct: 060017					MILITARY
1613	000586696 Precinct: 060018					MILITARY

Redacted

NO BALLOTS

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 25 of 76 PageID #: 316

BOB DELANEY COUNTY CLERK ST CLAIR COUNTY 2010 GENERAL ELECTION, 11/02/2010 Absentee Voter Listing for Election By Name					Application Type Local Election Authority	
Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	
1615	000598252 Precinct: 060018					MILITARY
1972	001049682 Precinct: 070022					MILITARY
2945	001050115 Precinct: 020016					MILITARY
1618	000955151 Precinct: 070002					MILITARY
1292	000308997 Precinct: 020013					MILITARY
3627	001025302 Precinct: 080026					MILITARY
1302	001011914 Precinct: 060008					MILITARY
4880	001050318 Precinct: 070007					MILITARY
5212	000968682 Precinct: 020025					MILITARY
5215	000940759 Precinct: 020025					MILITARY

Redacted

VXAS02L RPT

BOB DELANEY COUNTY CLERK ST CLAIR COUNTY 2010 GENERAL ELECTION 11/02/2010 Absentee Voter Listing for Election By Name	
Report Criteria: ElectionId = 55 And AppType = "MILITARY" And AppRequestDate >= Date(2010, 9, 19) And AppRequestDate <= Date(2010, 10, 17)	MILITARY
1620 001028079 Precinct 050002	
1620 001028079 Precinct 050002	
Total Applied: 49	Total In Person: 0
Total By Mail: 49	Total Returned: 27
	Total Not Returned: 22
End of Report	

* indicates - requested E-mail not e-mailed				BOB DELANEY COUNTY CLERK ST CLAIR COUNTY 2010 GENERAL ELECTION 11/02/2010 Absentee Voter Listing for Election By Name	
Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To
4853	001028513				MILITARY/OVERSEAS
	Precinct: 020012				
4860	001035830				MILITARY/OVERSEAS
	Precinct: 050002				
* 257	001027850				MILITARY/OVERSEAS
	Precinct: 060008				
4180	001050268				MILITARY/OVERSEAS
	Precinct: 020022				
* 2947	001050133				MILITARY/OVERSEAS
	Precinct: 060009				
* 1312	001016040				MILITARY/OVERSEAS
	Precinct: 050005				
1313	001045556				MILITARY/OVERSEAS
	Precinct: 020033				
* 1964	001040500				MILITARY/OVERSEAS
	Precinct: 060007				
* 1301	000922396				MILITARY/OVERSEAS
	Precinct: 060007				

Redacted

Report Criteria: ElectionId = 55 And App Type = "MILITARY/OVERSEAS" And AppRequestDate >= Date(2010, 9, 19) And AppRequestDate <= Date(2010, 10, 17)

Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type
	4024					MILITARYOVERSEAS
	1426					MILITARYOVERSEAS
	3067					MILITARYOVERSEAS
	1001					MILITARYOVERSEAS
	1309					MILITARYOVERSEAS
	1310					MILITARYOVERSEAS
	1973					MILITARYOVERSEAS

Redacted

4024 Precinct: 2201001

1426 00114659 Precinct: 060016

3067 011009253 Precinct: 070008

1001 000957807 Precinct: 060312

1309 001007594 Precinct: 050001

1310 000980069 Precinct: 090007

1973 001049683 Precinct: 020033

Total Applied: 16

Redacted

Total Applied: 16

WX302L RPT

* Indicis regibus communi
p. 100. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 83

Report Criteria: ElectionId = 55 And AppType = "REGULAR/OVERSEAS" And AppRequestDate >= Date(2010, 9, 19) And AppRequestDate <= Date(2010, 10, 17)

Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type	Local Election Authority
1306	001005170					REGULAR/OVERSEAS	18-3
1311	001049585					REGULAR/OVERSEAS	18-3
1283	001013514					REGULAR/OVERSEAS	18-3
1284	001014533					REGULAR/OVERSEAS	18-3
1286	001013247					REGULAR/OVERSEAS	18-3
1287	000984633					REGULAR/OVERSEAS	18-3
1288	000984725					REGULAR/OVERSEAS	18-3
2052	001007641					REGULAR/OVERSEAS	18-3

Redacted

MXA3971.RPT

BOB DELANEY
COUNTY CLERK
ST CLAIR COUNTY
2010 GENERAL ELECTION, 11/02/2010
Absentee Voter Listing for Election By Name

Report Criteria: ElectionId = 55 And AppType = "REGULAR/OVERSEAS" And AppRequestDate >= Date(2010, 9, 19) And AppRequestDate <= Date(2010, 10, 17)

Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type
2559	000981891					REGULAR/OVERSEAS
	Precinct: 060013					
1279	000543870					REGULAR/OVERSEAS
	Precinct: 100004					
1789	000704115					REGULAR/OVERSEAS
	Precinct: 020029					
2562	000982194					REGULAR/OVERSEAS
	Precinct: 060013					
2564	001024125					REGULAR/OVERSEAS
	Precinct: 060023					
Total Applied: 13						

Redacted

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

[REDACTED]

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby attest that the following information is true and accurate.~~

Vici R. Otte
Election Authority (printed)

Vici R. Otte
Election Authority (signature)

Stephenson County
Election Authority Jurisdiction

10-26-10
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 243

Number of UOCAVA ballots sent out on or before September 18, 2010: 39

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

167

9/21/10 - mailed

31

9/23/10 - 2-mailed

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

None

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Christie A. Webb
 Election Authority (printed)

Christie A. Webb
 Election Authority (signature)

Tazewell
 Election Authority Jurisdiction

October 27, 2010
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 0

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
_____	_____	_____
_____	_____	_____

Add additional pages if necessary.

B.T.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Bobby Toler Jr.
 Election Authority (printed)

Bobby Toler Jr.
 Election Authority (signature)

Union County
 Election Authority Jurisdiction

10/26/2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 10

Number of UOCAVA ballots sent out on or before September 18, 2010: -0-

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>10</u>	<u>24 September 2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

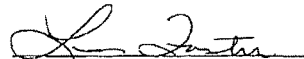
Date Requested	Mailed Ballot Sent	Date Sent By Email	Reason
9/30	9/30	10/4	Office Misunderstanding
9/30	9/30	10/4	"
9/25	9/25	10/6	"
9/29	Special Absentee-----	Ballot-----	"

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

LYNN FOSTER
Election Authority (printed)


Election Authority (signature)

VERMILION COUNTY
Election Authority Jurisdiction

27 OCT. 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 6

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>6</u>	<u>9/24/2010</u>
<u>2</u>	<u>9/27/2010</u>
<u>1</u>	<u>9/28/2010</u>
<u>1</u>	<u>9/30/2010</u>
<u>1</u>	<u>10/5/2010</u>
<u>2</u>	<u>10/12/2010</u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

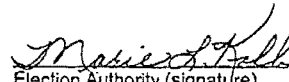
N/A

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Marie L. Kolb
 Election Authority (printed)


 Election Authority (signature)

Wabash County, Illinois
 Election Authority Jurisdiction

October 26, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested on or before September 18, 2010: 31

Number of UOCAVA ballots sent out on or before September 18, 2010: 31

If not sent on or before September 18, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

TINA M. CONARD
Warren County Clerk / Recorder
Court House
100 W. Broadway
Memphis, IL 61462-1797
Election Authority (printed)

Tina M. Conard
Election Authority (signature)

Election Authority Jurisdiction

10/27/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7

Number of UOCAVA ballots sent out on or before September 18, 2010: 7

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>0</u>	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~For each UOCAVA ballot received on or after September 18, 2010, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s). If the election authority does not contact the voter within 2 days of the request, please provide the following information:~~

~~Batch requested: Date sent: Reason:~~

~~_____~~
~~_____~~
~~_____~~

~~Add additional pages if necessary.~~

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Thomas Ganz
 Election Authority (printed)

Thomas Ganz
 Election Authority (signature)

Washington County
 Election Authority Jurisdiction

10/26/10
 Date

9004/009

10/27/2010 14:39 FAX

WASHINGTON COUNTY, ILLINOIS GENERAL ELECTION 2010 11/02/2010 Absentee Voter Listing for Election By Posting Number									
Posting Number	Voter ID	Party	Name	Address	Bullet Method To	Application Type	Ballot Style	Applied Date	Return Date
1	00015577					MILITARY/OVERSEAS	003	06/22/10	10/05/10
Predicted: 260001									
2	00019330					MILITARY/OVERSEAS	003	06/22/10	10/04/10
Predicted: 140001									
3	00020324					MILITARY/OVERSEAS	003	06/27/10	10/04/10
Predicted: 140001									
4	00020335					MILITARY/OVERSEAS	002	06/29/10	10/15/10
Predicted: 100001									
5	00017762					MILITARY/OVERSEAS	004	08/04/10	09/24/10
Predicted: 070001									
6	00014995					MILITARY/OVERSEAS	003	06/24/10	06/24/10
Predicted: 120001									
7	00011829					MILITARY/OVERSEAS	003	06/10/10	06/24/10
Predicted: 100001									
11	00012181					MILITARY/OVERSEAS	002	06/22/10	09/24/10
Predicted: 020001									
12	00005573					MILITARY/OVERSEAS	003	09/20/10	09/20/10
Predicted: 080001									
NAME: [REDACTED]									
10/10/2010 12:14:29PM									

Redacted

WASHINGTON COUNTY, ILLINOIS
GENERAL ELECTION 2010, 11/02/2010
Absentee Voter Listing for Election By Posting Number

Report Criteria: ElectionId = 23 And AppType = "MILITARY/OVERSEAS"

Posting Number	Voter ID	Party	Name	Address	Ballot Mailed To	Application Type	Ballot Style	Applied Date	Issued Date	Return Date
47	00010154					MILITARY/OVERSEAS	004	10/02/10	10/09/10	
59	00019703					MILITARY/OVERSEAS	002	10/12/10	10/12/10	
116	00021653					MILITARY/OVERSEAS	003	10/19/10	10/19/10	
124	00014954					MILITARY/OVERSEAS	003	10/19/10	10/19/10	

Redacted

10/16/2010 12:14:22PM

10/16/2010 12:14:22PM

006/006

WASHINGTON COUNTY, ILLINOIS GENERAL ELECTION 2010 11022010 Absentee Voter Listing for Election By Posting Number			
Report Criteria: Election's = 29 And Appt Type = MILITARY/OVERSEAS			
Total Applicants: 19	Total In Person: 1	Total By Mail: 12	Total Returned: 8
			Total Not Returned: 7
End of Report			

10/27/2010 14:39 FAX

10/10/2010 12:14:29 PM

Page 3 of 1

W060311.DPT

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 3

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>3</u>	<u>9-24-10</u>
<u>1</u>	<u>10-1-10</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot (s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:	Date sent:	Reason
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 48 of 76 PageID #:339~~

I hereby attest that the foregoing information is true and correct.

Donna Endsley
Election Authority (printed)

Donna Endsley
Election Authority (signature)

Wayne County
Election Authority Jurisdiction

10-26-10
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 13

Number of UOCAVA ballots sent out on or before September 18, 2010: 13

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

PAULA DOZIER
Election Authority (printed)

Paula Dozier
Election Authority (signature)

White
Election Authority Jurisdiction

October 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 19 ✓

Number of UOCAVA ballots sent out on or before September 18, 2010: 19 ✓

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Dana Nelson
 Election Authority (printed)



Dana Nelson
 Election Authority (signature)

Whiteside County
 Election Authority Jurisdiction

10-25-2010
 Date

* I previously stated that there were 16 UOCAVA voters. However I had not included 3 US Citizens out of the Country. All 19 Ballots were mailed on September 17, 2010.
 Dana Nelson

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 613

Number of UOCAVA ballots sent out on or before September 18, 2010: 144

If ~~requested, but~~ not sent on or before September 18, ~~or not sent within 24 hours of the request~~, how many were sent and on what date?

Number sent:	Date sent:*
<u>60</u>	<u>9/20/10</u>
<u>51</u>	<u>9/21/10</u>
<u>13</u>	<u>9/22/10</u>
<u>345</u>	<u>9/23/10</u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~_____~~
~~_____~~
~~_____~~

~~Date requested: _____ Date sent: _____~~

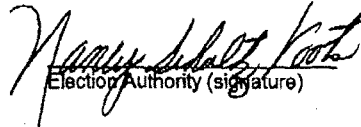
~~_____~~
~~_____~~

~~Additional pages if necessary:~~

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

~~I hereby certify the foregoing information to be true and correct.~~

Nancy Schultz Voets
Election Authority (printed)


Election Authority (signature)

Will County Illinois
Election Authority Jurisdiction

October 26, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 130

Number of UOCAVA ballots sent out on or before September 18, 2010: 130

~~If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?~~

Number sent:

Date sent:*

-0-

all requested by Sept 18, 2010 were sent

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

~~For the UOCAVA Federal Election Authority, the September 18, 2010 deadline for transmitting ballots to UOCAVA voters has been extended to October 27, 2010. The preferred method of return is by pre-paid, express method of return.~~

~~Date requested: _____ Date sent: _____ Reason: _____~~

~~_____~~

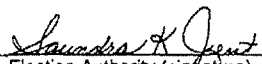
~~_____~~

~~Add additional pages, if necessary.~~

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Sandra K. Jent
 Election Authority (printed)


 Election Authority (signature)

Williamson
 Election Authority Jurisdiction

October 26, 2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 12

Number of UOCAVA ballots sent out on or before September 18, 2010: 12

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested: _____ Date sent: _____ Reason: _____

Add additional pages if necessary.

Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 58 of 76 PageID #: 349
 FROM : WINN CO ELECTION/TAX OFFICE FAX NO. : 815-969-1974 Oct. 27 2010 01:31PM F3

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Margie M. Mullins
 Election Authority (printed)

Margie M. Mullins
 Election Authority (signature)

Winnebago County
 Election Authority Jurisdiction

Oct 27, 10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 84

Number of UOCAVA ballots sent out on or before September 18, 2010: 84

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

NA

NA

"

"

"

"

"

"

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested:

Date sent:

Reason

NA

NA

NA

"

"

"

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

DEBBIE HARRIS
Election Authority (printed)

Debbie Harris
Election Authority (signature)

Woodford County
Election Authority Jurisdiction

10/26/10
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 144

Number of UOCAVA ballots sent out on or before September 18, 2010: 144

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

N/A

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

N/A

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Linda M. Fechner
Election Authority (printed)

Linda M. Fechner
Election Authority (signature)

Aurora
Election Authority Jurisdiction

10-27-2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 96

Number of UOCAVA ballots sent out on or before September 18, 2010: 96

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

_____	_____
_____	_____
_____	_____
_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

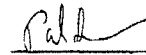
Date requested: _____ Date sent: _____ Reason _____

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

GAIL SHAWEN
 Election Authority (printed)


 Election Authority (signature)

Bloomington
 Election Authority Jurisdiction

10/25/10
 Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 7,252

Number of UOCAVA ballots sent out on or before September 18, 2010: 7,252

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

NOT APPLICABLE

*Should any of these dates be October 8, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason: _____

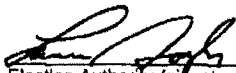
NOT APPLICABLE

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

Lance Gough, Executive Director
 Election Authority (printed)


 Election Authority (signature)

Chicago Board of Election Commissioners October 27, 2010
 Election Authority Jurisdiction Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 77

Number of UOCAVA ballots sent out on or before September 18, 2010: 29

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

48

9-23-2010 – stateside military

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason _____

9-27 (2) 9-27 2 of original 29 with a change of address

9-30 (3) 9/30 all stateside. 1 had conflicting instructions how to send (e-mail, US mail) was mailed. E-mail version sent 10-23

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

BARBARA L. DREHER
Election Authority (printed)

Barbara L. Dreher
Election Authority (signature)

DANVILLE ELECTION COMMISSION
Election Authority Jurisdiction

OCTOBER 25, 2010
Date

Certification
 Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 1

Number of UOCAVA ballots sent out on or before September 18, 2010: 0

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date sent:*
<u>1</u>	<u>09/22/2010</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

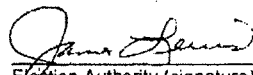
Date requested:	Date sent:	Reason
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

I hereby attest that the foregoing information is true and correct.

JAMES LEWIS
Election Authority (printed)


Election Authority (signature)

CITY OF EAST ST. LOUIS
Election Authority Jurisdiction

OCTOBER 27, 2010
Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 24

Number of UOCAVA ballots sent out on or before September 18, 2010: 23

If ~~requester~~ not sent on or before September 18, ~~please send within 2 days of the request~~ how many were sent and on what date?

Number sent:	Date sent:*
<u>1</u>	<u>10/14</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

Note: The voter was contacted & she has chosen not to use a prepaid, express mail service.

B.

~~Requester Name~~
~~Requester Address~~
~~Requester City/State/Zip~~

~~Date requested~~ ~~Date sent~~ ~~Reason~~

~~Requester Name~~

~~Requester Address~~

~~Case: 1:10-cv-06800 Document #: 18-3 Filed: 10/28/10 Page 72 of 76 PageID #: 3623~~
~~007-26-2010 TUE 07:15 PM GALESBURG ELECTION COMMISSION FAX 309-2499700~~

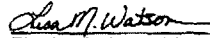
~~Add additional pages if necessary~~

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

~~Whereby, attesting under oath, the foregoing information is true and correct.~~

Lisa M. Watson

Election Authority (printed)



Election Authority (signature)

Galesburg Election Commission
 Election Authority Jurisdiction

10/26/2010
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 10

Number of UOCAVA ballots sent out on or before September 18, 2010: 9

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:	Date Requested	Date sent:	Reason
<u>1</u>	<u>9-10-10</u>	<u>10-1-10</u>	<u>bad mailing address</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information:

Date requested:	Date sent:	Reason
<u>2/10/2010</u>	<u>9/10/2010</u>	<u>data entry error</u>
_____	_____	_____

Add additional pages if necessary.

I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.

I hereby attest that the foregoing information is true and correct.

Thomas Brute
 Election Authority (printed)

[Signature]
 Election Authority (signature)

Peria Election Commission
 Election Authority Jurisdiction

10/26/10
 Date

Certification
Sent to all 110 Illinois Election Authorities

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the Election Authority is hereby ordered to certify that all ballots to all qualified UOCAVA voters have been transmitted in accordance with UOCAVA's terms. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

A.

Number of UOCAVA ballots requested on or before September 18, 2010: 205

Number of UOCAVA ballots sent out on or before September 18, 2010: 205

If requested, but not sent on or before September 18, or not sent within 2 days of the request, how many were sent and on what date?

Number sent:

Date sent:*

*Should any of these dates be October 6, 2010 or after, the election authority shall immediately contact the voter to offer them a pre-paid, express method of returning the ballot(s).

B.

If other UOCAVA ballots (ballots requested after September 18, 2010) were not transmitted in accordance with UOCAVA's terms, regarding timeliness and voters' preferred method of transmission, please provide the following information.

Date requested: _____ Date sent: _____ Reason

10-23-2010 10-25-2010 Voter was overseas and requested the ballot be mailed. We e-mailed the voter and asked to email the ballot. The voter replied yes to email on 10-25-2010, so it was emailed on 10-15-2010.

Add additional pages if necessary.

~~I state that all UOCAVA voters who have properly requested absentee ballots have been provided their absentee ballot in accordance with their stated preference and attest the above numbers to be true and accurate.~~

All UOCAVA ballot application received by the Rockford Board of Election Commissioners after September 18, 2010, were sent the same day as request and in the format requested, except the one listed in "B".

I hereby attest that the foregoing information is true and correct.

Nancy A. Strain
Election Authority (printed)

Nancy A. Strain
Election Authority (signature)

Rockford Board of Election Commissioners
Election Authority Jurisdiction

October 25, 2010
Date

EXHIBIT B

Certification
 (Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010: 2

Number of UOCAVA ballots requested between September 19 and October 3, 2010: 0

Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted: 4

Total number of UOCAVA ballots sent by mail: 5

Total number of UOCAVA ballots sent by e-mail: 1

Total number of UOCAVA ballots sent by fax: 0

Total number of UOCAVA ballots sent by the Illinois secure ballot upload system: 0

By date and method of transmittal, the number of UOCAVA ballot requests:

Date	Mail	E-mail	Fax	Ballot Upload
<u>10/4</u>	<u>2</u>	<u> </u>	<u> </u>	<u> </u>
<u>10/6</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>
<u>10/19</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>
<u>10/22</u>	<u> </u>	<u>1</u>	<u> </u>	<u> </u>
<u>10/25</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>

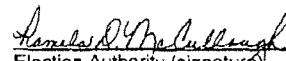
After October 4, 2010 all ballots were mailed the day the application was received in the County Clerk's Office.

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

No notice was sent since the two voters affected had already
returned their voted ballots to our office.

I hereby attest the above numbers to be true and accurate.

Pamela D. McCullough
Election Authority (printed)


Election Authority (signature)

Boone County
Election Authority Jurisdiction

October 26, 2010
Date

Certification
(Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010:

3

Number of UOCAVA ballots requested between September 19 and October 3, 2010:

0

Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted:

3

Total number of UOCAVA ballots sent by mail:

6

Total number of UOCAVA ballots sent by e-mail:

0

Total number of UOCAVA ballots sent by fax:

0

Total number of UOCAVA ballots sent by the Illinois secure ballot upload system:

0

By date and method of transmittal, the number of UOCAVA ballot requests:

Date Mailed	Request Received Date	Mail	E-mail	Fax	Ballot Upload	Voted Ballot Returned by Voter
10-5-2010	9-10-2010	3				3
10-5-2010	10-4-2010	2				
10-6-2010	10-6-2010	1				

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

US Mail deposited at Carthage Illinois on
October 25, 2010. Notice to all six on previous page
Note: All voters who requested absentee ballots
before October 3, 2010 have returned voted ballots
in office of County Clerk.

I hereby attest the above numbers to be true and accurate.

Kerry Asbridge
Election Authority (printed)

Hancock County
Election Authority Jurisdiction

Kerry Asbridge
Election Authority (Signature)

October 25 2010
Date

Certification
 (Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010:	<u>3</u>
Number of UOCAVA ballots requested between September 19 and October 3, 2010:	<u>2</u>
Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted:	<u>5</u>
Total number of UOCAVA ballots sent by mail:	<u>10</u>
Total number of UOCAVA ballots sent by e-mail:	<u>3</u>
Total number of UOCAVA ballots sent by fax:	<u>0</u>
Total number of UOCAVA ballots sent by the Illinois secure ballot upload system:	<u>0</u>

By date and method of transmittal, the number of UOCAVA ballot requests:

Date	Mail	E-mail	Fax	Ballot Upload
<u>10-4-10</u>	<u>3</u>	<u> </u>	<u> </u>	<u> </u>
<u>10-6-10</u>	<u>2</u>	<u> </u>	<u> </u>	<u> </u>
<u>10-14-10</u>	<u>2</u>	<u> </u>	<u> </u>	<u> </u>
<u>9-30-10</u>	<u>3</u>	<u> </u>	<u> </u>	<u> </u>

Case: 1:10-cv-06800 Document #: 18-4 Filed: 10/28/10 Page 7 of 19 PageID #: 374
 OCT 27 2010 2:31 PM 12 JEFFERSON CO. CLERKS OFFICE DIRECTORSEE NO. 4671 PAGE 07/07

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

3 were emailed Oct 26-2010

I hereby attest the above numbers to be true and accurate.

STEPHEN L. POTTER
 Election Authority (printed)

Stephen L. Potter
 Election Authority (signature)

JEFFERSON COUNTY
 Election Authority Jurisdiction

10-27-2010
 Date

Certification
(Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010: 4

Number of UOCAVA ballots requested between September 19 and October 3, 2010: 0

Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted: 0

Total number of UOCAVA ballots sent by mail: 4

Total number of UOCAVA ballots sent by e-mail: 0

Total number of UOCAVA ballots sent by fax: 0

Total number of UOCAVA ballots sent by the Illinois secure ballot upload system: 1 was also mailed a ballot Oct. 24

By date and method of transmittal, the number of UOCAVA ballot requests:

Date	Mail	E-mail	Fax	Ballot Upload
10/06/2010	4			1 included also in mailed ballots.

Case: 1:10-cv-06800 Document #: 18-4 Filed: 10/28/10 Page 9 of 19 PageID #:376
FROM : MASSAC CO CLERK FAX NO. : 1 618 524 8514 Oct. 25 2010 11:02AM P3

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

All four requesters were notified by
e-mail 10-25-2010 by 11:00AM and informed
of their extensions

I hereby attest the above numbers to be true and accurate.

JOHN D. TAYLOR
Election Authority (printed)

John D. Taylor
Election Authority (signature)

MASSAC
Election Authority Jurisdiction

10-25-2010
Date

Certification

(Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010: 5
 Number of UOCAVA ballots requested between September 19 and October 3, 2010: 0
 Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted: 0
 Total number of UOCAVA ballots sent by mail: 4
 Total number of UOCAVA ballots sent by e-mail: 0
 Total number of UOCAVA ballots sent by fax: 0
 Total number of UOCAVA ballots sent by the Illinois secure ballot upload system: 0

By date and method of transmittal, the number of UOCAVA ballot requests:

Date	Mail	E-mail	Fax	Ballot Upload
<u>9/15/10</u>	<u>1</u>			
<u>9/30/10</u>	<u>1</u>			
<u>10/5</u>	<u>2</u>			
	<u>1</u>			

*not sent - divorced - no longer military
 Reregister in Schuyler Co.*

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

- 9/30 Contacted by phone 1 voter who is back in US - she has had ballot for several days & will be returning this week.
- 2- 10/5 spoke to mothers of both soldiers - one soldier is somewhere between Afghanistan & Germany & other's whereabouts are unknown but should be returning to California this week - these were both mailed on Oct 5 - returned to us with address changes & were re-mailed the same day we got them back.
- All of ones from 9/30 & 10/5 were from 2008 requests of Deputy clerk thought they were no longer valid.

I hereby attest the above numbers to be true and accurate.

Linda S Wood
 Election Authority (printed)

Linda S Wood
 Election Authority (signature)

Schuyler County
 Election Authority Jurisdiction

10-26-2010
 Date

Certification
(Sent to "affected election authorities"/Page 9 (8)/Page 10 (9))

Pursuant to the Federal Consent Decree entered into on October 22, 2010, the County Clerk is hereby ordered to certify that all absentee ballots validly requested by UOCAVA voters by October 3, 2010 have been transmitted by the method the voter requested. To comply with this mandate, please provide the requested information and return the same to the State Board of Elections no later than 4PM Wednesday, October 27.

Number of UOCAVA ballots requested by September 18, 2010:	<u>1,207</u>
Number of UOCAVA ballots requested between September 19 and October 3, 2010:	<u>48</u>
Number of UOCAVA ballots requested between October 3 and the last date absentee ballots were transmitted:	<u>61</u>
Total number of UOCAVA ballots sent by mail:	<u>1,303</u>
Total number of UOCAVA ballots sent by e-mail:	<u>209</u>
Total number of UOCAVA ballots sent by fax:	<u>0</u>
Total number of UOCAVA ballots sent by the Illinois secure ballot upload system:	<u>10</u>

By date and method of transmittal, the number of UOCAVA ballot requests:

Date	Mail	E-mail	Fax	Ballot Upload
10-04-10	<u>1,247</u>	<u>0</u>	<u> </u>	<u> </u>
10-05-10 - 10-25-10	<u>56</u>	<u> </u>	<u> </u>	<u> </u>
10-22-10 & 10-23-2010	<u> </u>	<u>193</u>	<u> </u>	<u> </u>
10-18-2010	<u> </u>	<u>6</u>	<u> </u>	<u> </u>
10-20-2010		2		↓
10-22-2010		5		↓
10-25-2010		3		10

Please provide written documentation below outlining when and by what means the UOCAVA voters were given notice of the extension of the receipt deadline for their ballots.

All voters who requested an E-mail Ballot were given notice of the
extension of receipt deadline by E-mail on October 22nd & 23rd. The
press release was put on our website on October 25, 2010.

Additional information attached.

I hereby attest the above numbers to be true and accurate.

Bob Delaney, County Clerk
Election Authority (printed)

Bob Delaney
Election Authority (signature)

St. Clair County
Election Authority Jurisdiction

October 27, 2010
Date

MILITARY-E-MAIL - REQUESTS**MILITARY OVERSEAS
& REG OVERSEAS****MILITARY****DOMESTIC**

REQUESTED:	121	133	26
RETURNED:	18	35	4
E-MAILED:	89	89	15
BAD E-MAILS:	14	9	7

TOTALS:


TOTAL E-MAILS REQUESTED: 280


TOTAL ALREADY RETURNED: 57


TOTAL E-MAILED: 193

TOTAL BAD E-MAILS: 30

BALLOTS E-MAILED ONLY REQUESTED AFTER 10-18-10- NOT IN
ORIGINAL COUNT: 16

	10/18/2010
	10/18/2010
	10/18/2010
	10/18/2010
	10/18/2010
	10/18/2010
	10/20/2010
	10/20/2010
	10/22/2010
	10/22/2010
	10/22/2010
	10/22/2010
	10/22/2010
	10/25/2010
	10/25/2010
16	
These individuals only received an emailed ballot	

	10/25/2010
	10/28/2010
2	
These individuals received an additional ballot via email	

	10/26/2010
	10/26/2010
2	
These individuals were sent the FPCA on 10/26/2010 because they did not sent us an application but were registered on the MOVE site	

Last Name	First Name	MOVE	Creation Date	Application Date	Verification Date	Ballot Issued Date	Ballot Return Date	Requested Method	Actual Method
			9/17/2010	9/22/2008	5/17/2010	10/4/2010	10/20/2010	E-mail	Mail
			9/17/2010	9/22/2008	5/17/2010				
			10/12/2010						
			9/30/2010	10/27/2008	9/27/2010	10/4/2010	10/25/2010	Mail	Mail
			9/30/2010	10/22/2008	9/27/2010	10/4/2010	10/25/2010	Mail	Mail
			10/25/2010						
			10/6/2010	11/2/2008	5/24/2010	10/4/2010		E-mail	Mail / E-Mail
			10/23/2010						
			9/23/2010	9/18/2008	9/23/2010	10/4/2010	10/15/2010	Mail	Mail
			10/12/2010	10/12/2010	10/13/2010	10/13/2010		E-mail	Mail / E-Mail
			9/14/2010	9/14/2010	10/18/2010	10/4/2010		E-mail	Mail / E-Mail
			10/16/2010	10/18/2010	10/18/2010	10/18/2010		Web	Mail / E-Mail/Web
			10/25/2010	10/25/2010	10/25/2010	10/25/2010		Web	E-mail
			10/11/2010	10/11/2010	10/11/2010	10/11/2010		Mail	Mail
			10/27/2010	9/11/2008	5/24/2010	10/4/2010	10/15/2010	Web	Mail
			10/13/2010						
			9/28/2010	4/19/2008	9/30/2010	10/4/2010	10/22/2010	E-mail	Mail / E-Mail
			10/12/2010	9/8/2008	5/24/2010	10/4/2010		Mail	Mail / E-Mail
			9/22/2010	4/18/2008	5/24/2010	10/4/2010	10/22/2010	E-mail	Mail / E-Mail
			9/23/2010	9/22/2008	7/27/2010	10/4/2010	10/22/2010	Mail	Mail
			9/23/2010	9/22/2008	7/27/2010				
			10/8/2010	7/28/2010	7/28/2010	10/4/2010		Mail	Mail
			9/30/2010						
			9/27/2010	9/24/2008	5/24/2010	10/4/2010	10/25/2010	Mail	Mail
			9/29/2010	9/29/2010	9/29/2010	10/4/2010		E-mail	Mail / E-Mail
			10/20/2010	10/14/2008	5/24/2010	10/4/2010		Web	Mail / E-Mail/Web
			10/8/2010						
			10/8/2010						
			10/7/2010						
			10/26/2010	9/25/2008	5/24/2010	10/4/2010		Web (After Deadline)	Mail / E-Mail
			10/26/2010	9/25/2008	5/24/2010				
			10/18/2010	7/3/2008	5/24/2010	10/4/2010		E-mail	Mail / E-Mail
			9/28/2010	9/30/2010	9/30/2010	10/4/2010		E-mail	Mail / E-Mail
			9/15/2010	9/16/2010	9/16/2010	10/4/2010		E-mail	Mail / E-Mail
			10/15/2010	9/21/2010	9/22/2010	10/4/2010		E-mail	Mail / E-Mail
			10/15/2010	9/21/2010	9/22/2010	10/4/2010		E-mail	Mail / E-Mail
			10/15/2010	10/18/2010	10/18/2010	10/18/2010		E-mail	Mail / E-Mail
			10/14/2010	10/15/2010	10/15/2010	10/15/2010		E-mail	Mail / E-Mail
			10/6/2010	10/12/2010	10/12/2010	10/19/2010	10/21/2010	E-mail	Mail / E-Mail
			9/30/2010	9/30/2010	9/30/2010	10/4/2010	10/21/2010	Web	Mail / E-Mail
			9/28/2010	1/18/2008	5/24/2010	10/4/2010	10/21/2010	E-mail	Mail
			9/28/2010	1/18/2008	5/24/2010	10/4/2010	10/12/2010	E-mail	Mail
			10/18/2010			10/4/2010		Web	Mail / E-Mail/Web
			10/19/2010	9/22/2008	5/24/2010				

Redacted

[illegible]

9/19/2010	10/23/2010	9/20/2010	10/4/2010		E-mail	Mail / E-Mail
10/25/2010						
10/3/2010						
9/10/2010	9/23/2008	5/27/2010	10/4/2010	10/18/2010	E-mail	Mail
9/20/2010	9/22/2008	5/27/2010	10/4/2010	10/20/2010	E-mail	Mail
9/19/2010	9/19/2010	9/20/2010	10/4/2010		E-mail	Mail / E-Mail
10/14/2010	10/14/2010	10/14/2010	10/14/2010		E-mail	Mail / E-Mail
9/25/2010	9/30/2010	9/30/2010	10/4/2010		Web	Mail / E-Mail/Web
9/9/2010	9/9/2010	9/17/2010	10/4/2010		Web	Mail / E-Mail/Web
9/16/2010	9/16/2010	10/6/2010	10/8/2010		E-mail	Mail / E-Mail
10/10/2010	10/11/2010	10/11/2010	10/11/2010		E-mail	Mail / E-Mail
10/5/2010						
9/30/2010						
10/5/2010	10/10/2008	9/27/2010	10/4/2010		E-mail	Mail / E-Mail
9/28/2010	10/5/2010	10/5/2010	10/6/2010	10/25/2010	Mail	Mail
9/24/2010	9/22/2008	5/27/2010	10/4/2010	10/15/2010	Mail	Mail
10/18/2010	9/22/2010	9/27/2010	10/4/2010		E-mail	Mail / E-Mail
9/23/2010	9/23/2010	10/1/2010	10/4/2010		Mail	Mail
9/11/2010	9/13/2010	9/13/2010	10/4/2010		Web	Mail / E-Mail/Web
9/20/2010	9/21/2010	9/21/2010	10/4/2010	10/22/2010	Mail	Mail
10/4/2010	10/3/2008	9/27/2010	10/4/2010		Mail	Mail
10/12/2010	9/30/2008	5/27/2010	10/4/2010	10/22/2010	E-mail	Mail / E-Mail
10/12/2010	9/24/2010	9/24/2010	10/4/2010		E-mail	Mail / E-Mail
9/30/2010	4/22/2007	5/27/2010	10/4/2010	10/16/2010	Mail	Mail
10/6/2010	10/6/2010	10/5/2010	10/6/2010	10/18/2010	E-mail	Mail
9/30/2010	10/1/2010	10/4/2010	10/4/2010	10/12/2010	Web	Mail
10/12/2010						
10/18/2010	10/18/2010	10/18/2010	10/18/2010		E-mail	Mail / E-Mail
9/11/2010	9/11/2010	9/17/2010	10/15/2010	10/15/2010	Mail	Mail
10/1/2010	9/11/2010	9/17/2010				
9/24/2010	10/2/2008	9/27/2010	10/4/2010		E-mail	Mail / E-Mail
9/27/2010	8/24/2010	9/27/2010	10/4/2010	10/20/2010	E-mail	Mail
9/27/2010	6/27/2010	7/6/2010	10/4/2010		E-mail	Mail / E-Mail
8/27/2010	8/19/2010	7/6/2010	10/4/2010	10/18/2010	E-mail	Mail
10/1/2010	10/1/2010	10/4/2010	10/4/2010	10/15/2010	Mail	Mail
10/21/2010	10/21/2010	10/21/2010	10/22/2010		E-mail	E-mail
9/30/2010						
9/30/2010	9/30/2010	10/6/2010	10/6/2010	10/18/2010	E-mail	Mail
9/28/2010	10/5/2010	10/5/2010	10/6/2010	10/25/2010	Mail	Mail
9/29/2010	10/10/2008	5/27/2010	10/4/2010	10/22/2010	E-mail	Mail / E-Mail
9/28/2010	10/10/2008	5/27/2010	10/4/2010	10/22/2010	E-mail	Mail / E-Mail
9/30/2010	9/30/2010	9/30/2010	10/4/2010	10/19/2010	Mail	Mail
9/28/2010	9/29/2010	9/29/2010	10/4/2010		E-mail	Mail / E-Mail
10/13/2010	10/26/2010	10/26/2010	10/26/2010		E-mail	E-mail
10/10/2010	7/15/2008	5/28/2010	10/4/2010	10/25/2010	E-mail	Mail / E-Mail
10/11/2010	10/22/2010	10/22/2010	10/22/2010		E-mail	E-mail

Redacted

Redacted

10/12/2010	9/29/2008	5/28/2010	10/4/2010	10/18/2010	Mail	Mail
9/29/2010	9/27/2010	9/28/2010	10/4/2010	10/15/2010	Mail	Mail
10/12/2010	9/21/2010	5/28/2010	10/4/2010	10/18/2010	Web	Mail
9/22/2010	9/30/2010					
10/6/2010	10/6/2010	10/18/2010	10/18/2010		E-mail	Mail / E-Mail
10/12/2010	10/6/2010	10/18/2010	10/18/2010		E-mail	Mail / E-Mail
9/30/2010	10/4/2010	10/4/2010	10/4/2010		Web	Mail / E-Mail/ Web
10/12/2010	10/12/2010	10/12/2010	10/4/2010		E-mail	Mail / E-Mail

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	No. 10 C 6800
v.)	
	)	Hon. William J. Hibbler
THE STATE OF ILLINOIS, THE)	
ILLINOIS STATE BOARD OF)	
ELECTIONS, and DANIEL WHITE,)	
Executive Director of the Illinois State)	
Board of Elections,)	
)	
Defendants.		

Filing of Certifications from Local Election Authorities

The defendant, the Illinois State Board of Elections, by its attorney, Lisa Madigan, Attorney General of Illinois, submits the following documents, as follows:

The consent decree, page 11, requires that the State Board of Elections file with the Court certifications from the all the State's local election authorities. These certifications contain information regarding the receipt of UOCAVA ballots for the November, 2010, general election.

Three different types of certification forms were used. Boone, Jersey, and St. Clair Counties completed a form designed to report information specific to the dates applicable to them in the decree. Hancock, Massac, and Schuyler Counties completed a form similarly tailored to the dates applicable to them. The remaining jurisdictions completed a

different form applicable to them.

The certifications for Boone, Jersey, St. Clair, Hancock, Massac, and Schuyler are at the beginning of the attached documents, followed by the certifications of the remaining jurisdictions.

Respectfully submitted,

LISA MADIGAN
Illinois Attorney General

/s/ Thomas A. Ioppolo
THOMAS A. IOPPOLO
Assistant Attorneys General
General Law Bureau
100 W. Randolph Street, 13th Floor
Chicago, Illinois 60601
(312) 814-7198/3711/2527

EXHIBIT A

(Part 1 of 3)

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 2 of 100 PageID #:392

PAULEL D. MCCULLOUGH
Boone County Clerk & Recorder
2212 Logan Ave #105
Belleville, Illinois 62008-2798
Telephone: 618-544-8108
Fax: 618-547-8700

DATE: 12-3-10
FROM: Alan
TO: Cris Cray
COMPANY: SBE
FAX NUMBER: 1-217-524-5574
NUMBER OF PAGES (INCLUDING COVER PAGE) 3

Certification of Receipt of Absentee Ballots from UOCAVA Voters
 by Boone, Jersey and St. Clair Counties

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters ☐

Uniformed Voters within United States ☒ 2

Overseas Civilian Voters ☐

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters ☐

Uniformed Voters within United States ☐

Overseas Civilian Voters ☒

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 16 but prior to the close of business on November 18** and counted in the election:

Uniformed Overseas Voters ☐

Uniformed Voters within United States ☐

Overseas Civilian Voters ☐

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after the close of business on November 18:**

Uniformed Overseas Voters ☐

Uniformed Voters within United States ☐

Overseas Civilian Voters ☐

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Pamela D. McCullough
 Election Authority (printed)

Pamela D. McCullough
 Election Authority (signature)

Boone County
 Election Authority Jurisdiction

12-3-2010
 Date

FAX COVER SHEET

STEPHEN L POHLMAN

Jersey County Clerk & Recorder of Deeds

200 N. Lafayette Street

Jerseyville, Illinois 62052

Phone -- 618-498-5571 ext. 115

Fax -- 618-498-7721

e-mail -- countyclerk@jerseycounty-il.us

DATE: 11-22-2010

TO: STATE BOARD OF ELECTIONS

ATTENTION: CHRIS CRAY

FROM: STEVE POHLMAN

REASON: CMT. REPORT OF AB. BALLOTS FOR UOCAWA

Total number of pages including this cover sheet 3

If you did not receive all of the pages in this transmission
please contact us at one of the above numbers.

**Certification of Receipt of Absentee Ballots from UOCAVA Voters
by Boone, Jersey and St. Clair Counties**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>-0-</u>
Uniformed Voters within United States	<u>-4-</u>
Overseas Civilian Voters	<u>-3-</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>-0-</u>
Uniformed Voters within United States	<u>-0-</u>
Overseas Civilian Voters	<u>-0-</u>

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 16 but prior to the close of business on November 18 and counted in the election:

Uniformed Overseas Voters	<u>-0-</u>
Uniformed Voters within United States	<u>-0-</u>
Overseas Civilian Voters	<u>-0-</u>

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction after the close of business on November 18:

Uniformed Overseas Voters 0

Uniformed Voters within United States 0

Overseas Civilian Voters 0

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes _____

No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

STEPHEN L. BHLANTZ
Election Authority (printed)

Step L Bhlantz
Election Authority (signature)

Jersey
Election Authority Jurisdiction

11-22-2010
Date

BOB DELANEY
ST. CLAIR COUNTY CLERK
 10 PUBLIC SQUARE
 BELLEVILLE, IL 62220
 (618) 277-6600 Phone
 (618) 277-8783 Fax

FACSIMILE TRANSMISSION

TO: Chris Cray

FROM: County Clerk Bob Delaney
 Patty Shevlin
 Dina Thurlow
 Tina Baum
 Dick Battas
Laura Kaemmerer x2366

DATE: 11-30-10

RE: UOCAVA-votes- Federal Decree

TOTAL NUMBER OF PAGES: 3

ADDITIONAL COMMENTS: _____

Certification of Receipt of Absentee Ballots from UOCAVA Voters
by Boone, Jersey and St. Clair Counties

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>312</u>
Uniformed Voters within United States	<u>62</u>
Overseas Civilian Voters	<u>55</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>38</u>
Uniformed Voters within United States	<u>14</u>
Overseas Civilian Voters	<u>18</u>

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 16 but prior to the close of business on November 18** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction after the close of business on November 18:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

12 received after Nov. 2nd but before Nov. 18th. Post-marked after the

Nov. 2nd deadline. Not counted.

I hereby attest that the foregoing information is true and correct.

Bob Delaney, County Clerk
Election Authority (printed)

Bob Delaney
Election Authority (signature)

St. Clair County
Election Authority Jurisdiction

November 30, 2010
Date

Certification of Receipt of Absentee Ballots from UOCAVA Voters
by Hancock, Massac and Schuyler Counties

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 16 but prior to the close of business on November 19** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after the close of business on November 19:**

Uniformed Overseas Voters 0
 Uniformed Voters within United States 0
 Overseas Civilian Voters 0

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes _____ No 0

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Kerry Asbridge
 Election Authority (printed)

Kerry Asbridge
 Election Authority (signature)

Hawcock County
 Election Authority Jurisdiction

November 29, 2010
 Date

**Certification of Receipt of Absentee Ballots from UOCAVA Voters
by Hancock, Massac and Schuyler Counties**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>- 0 -</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>- 0 -</u>
Uniformed Voters within United States	<u>- 0 -</u>
Overseas Civilian Voters	<u>- 0 -</u>

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 16 but prior to the close of business on November 19** and counted in the election:

Uniformed Overseas Voters	<u>- 0 -</u>
Uniformed Voters within United States	<u>- 0 -</u>
Overseas Civilian Voters	<u>- 0 -</u>

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after the close of business on November 19:**

Uniformed Overseas Voters -0-

Uniformed Voters within United States -0-

Overseas Civilian Voters -0-

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

JOHN D TAYLOR
Election Authority (printed)

John D Taylor
Election Authority (signature)

MASSAC
Election Authority Jurisdiction

Date

**Certification of Receipt of Absentee Ballots from UOCAVA Voters
by Hancock, Massac and Schuyler Counties**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	2
Uniformed Voters within United States	9
Overseas Civilian Voters	2

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	0
Uniformed Voters within United States	0
Overseas Civilian Voters	0

3. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 16 but prior to the close of business on November 19** and counted in the election:

Uniformed Overseas Voters	0
Uniformed Voters within United States	0
Overseas Civilian Voters	0

4. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after the close of business on November 19:**

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

5. Were any absentee ballots from UOCAVA ballots received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

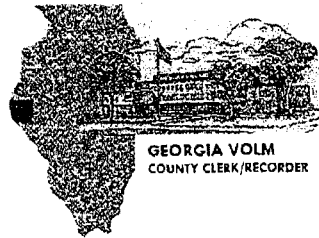
I hereby attest that the foregoing information is true and correct.

Linda S. Ward
Election Authority (printed)

Linda S. Ward
Election Authority (signature)

Schuyler County
Election Authority Jurisdiction

December 1, 2010
Date



The COUNTY OF ADAMS
507 Vermont, Quincy, Illinois 62301
(217) 277-2150 Fax: (217) 277-2155
CountyClerk@co.adams.il.us

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 12-4-10

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Chris Coy

THIS FACSIMILE FROM:

6201h

NUMBER OF PAGES (INCLUDING COVER SHEET) 3

If you do not receive all pages, please call back as soon as possible.

My number is: 217-277-2150

Our Fax number is: 217-277-2155 in service 24 hours.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 28
Uniformed Voters within United States 0
Overseas Civilian Voters 3

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 3
Uniformed Voters within United States 0
Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Georgia John
Election Authority (printed)

Angela
Election Authority (signature)

Polk County
Election Authority Jurisdiction

12/17/10
Date

FRANCES LEE
2000 WASHINGTON AVE.
CAIRO, IL 62914
Phone: 618-734-7000
Fax: 618-734-7002

ALEXANDER COUNTY CLERK

Fax

To: <i>CRISTINA CLAY</i>	From:
Fax: <i>1-217-524-6574</i>	Date: <i>12-18-10</i>
Phone:	Pages: <i>3</i> (including cover sheet)
Re: <i>FEDERAL DECEIT</i>	CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

*Comments:

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters _____
Uniformed Voters within United States 3
Overseas Civilian Voters _____

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters _____
Uniformed Voters within United States 9
Overseas Civilian Voters _____

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ☒ _____

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

FRANCES LEE
Election Authority (printed)


Election Authority (signature)

ALEXANDER COUNTRY
Election Authority Jurisdiction

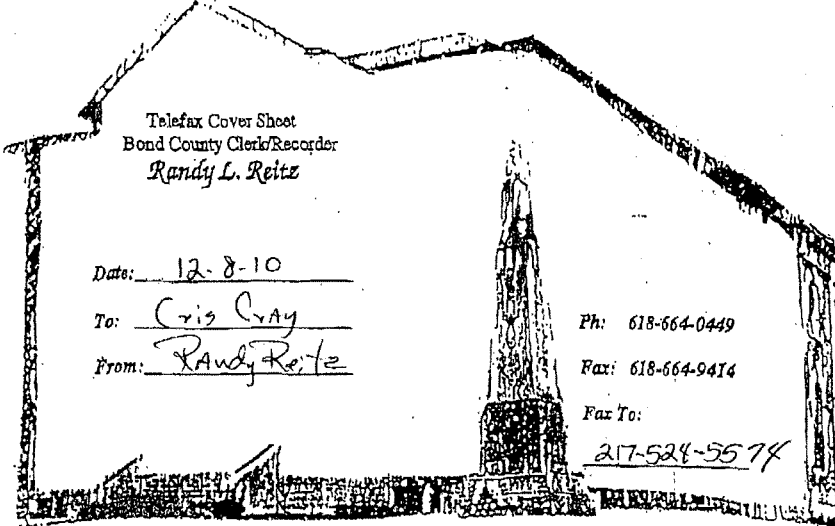
12-10-10
Date

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 23 of 100 PageID #:413
12/08/2010 14:34 6186649414 RANDYREITZ PAGE 01/03

Telefax Cover Sheet
Bond County Clerk/Recorder
Randy L. Reitz

Date: 12-8-10
To: Cris Gray
From: Randy Reitz

Ph: 618-664-0449
Fax: 618-664-9414
Fax To: 217-524-5574



NUMBER OF PAGES TO FOLLOW _____

COMMENTS: _____

Cris Gray

If any pages need to be re-sent, please call the sender at the above telephone number,
otherwise we will assume this transmission has been completely received.

Thank You,

Randy



Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>13</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>13</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Randy L. Reitz
Election Authority (printed)

Randy L. Reitz
Election Authority (signature)

Bond County
Election Authority Jurisdiction

12-8-2010
Date



OFFICE OF THE BROWN COUNTY CLERK

JUDITH L. HAM
BROWN COUNTY CLERK
200 COURT ST. - ROOM 4
MT. STERLING, IL 62353
Phone 217-773-3421 Ext 6
jham1009@hotmail.com

To: *Cris Cray*

Company:

Fax #: *217-524-5574*

Date: *12-8-10*

Pages: *3*
(Including Cover)

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters _____
Uniformed Voters within United States 2
Overseas Civilian Voters _____

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters _____
Uniformed Voters within United States _____
Overseas Civilian Voters _____

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Judith L. Ham
Election Authority (printed)

Judith L. Ham
Election Authority (signature)

Brown County
Election Authority Jurisdiction

12-8-10
Date

Office of County Clerk

Bureau County
700 South Main St.
Princeton, IL 61356
Phone: 815-875-2014
Fax: 815-879-4803

FAX

Date: 12/2/10 Pages (including cover): 3

To: Cris Cray 217-524-5574

Instructions: Report for Federal Suit

From: Kam

~~Fax Phone~~
(\$3.00 for first page; \$1.00 ea. additional)

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>16</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Kamala S Hieronymus
Election Authority (printed)

Kamala S. Hieronymus
Election Authority (signature)

Bureau Co.
Election Authority Jurisdiction

Dec 2, 2010
Date

RITA M. HAGEN
CALHOUN COUNTY CLERK & RECORDER
PO BOX 187
HARDIN, IL 62047

PHONE: 618-576-2351

FAX: 618-576-2895

FAX COVER SHEET

FAX # CALLING: 217-524-5374

DATE: 11/22/10

TIME: 10:45AM

TO: SBE

ATTENTION: Cris Cray

SENDER: Rita

SUBJECT: Certification UOCAVA

Number of Pages 3
(Including Cover Sheet)

If all pages are not received or if you have any questions, please call.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters

2

Uniformed Voters within United States

3

Overseas Civilian Voters

0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States

Overseas Civilian Voters

1 (uniformed overseas)

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Rita Hagen
Election Authority (printed)

Rita Hagen
Election Authority (signature)

Calhoun
Election Authority Jurisdiction

11/22/10
Date

BRIAN WOESSNER
 CARROLL COUNTY CLERK
 &
 RECORDER

P.O. BOX 152, MT. CARROLL, IL 61053
 PHONE 815-244-0221
 FAX 815-244-3709

FAX COVER SHEET

TO: Chris Cray FROM: Kendra
 FAX: _____ DATE: 11-29-10
 PHONE: _____ PAGES: 3
 RE: _____ CC: _____

--URGENT --FOR REVIEW --PLEASE COMMENT --PLEASE REPLY

COMMENTS:

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Brian Woessner
Election Authority (printed)

Brian Woessner
Election Authority (signature)

Carroll
Election Authority Jurisdiction

11-24-2010
Date

FAX COVER SHEET

DATE 12/11/2010NUMBER OF PAGES 3
(Including Cover Sheet)

MICHAEL C. KIRCHNER
 CASS COUNTY CLERK
 100 EAST SPRINGFIELD STREET
 VIRGINIA, IL 62691
 (217) 452-2277 EXT 4
 FAX: (217) 452-7219

TO: Cris Cray FAX NUMBER: 217-524-5574FROM: Mike Kirchner, Cass County ClerkRE: Certification of receipt absentee ballots
VOCAVA Voters

THANK YOU

If transmission is not complete call: (217) 452-2277 Ext. 4

"The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained is privileged and intended only for the use for the individual(s) or entity(ies) named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this facsimile transmission in error, please immediately notify us by telephone to arrange for return of the forwarded documents to us."

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>5</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

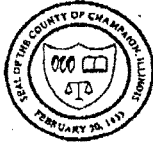
I hereby attest that the foregoing information is true and correct.

Michael C. Kirchner
 Election Authority (printed)


 Election Authority (signature)

Cass County
 Election Authority Jurisdiction

12/1/2010
 Date

**FAX****MARK SHELDEN, CHAMPAIGN COUNTY CLERK**

1776 E Washington
Urbana IL 61802

Website: www.champaigncountyclerk.com
E-mail: mail@champaigncountyclerk.com

Fax : (217) 384-1241
Elections: (217) 384-3724
Vital Statistics: (217) 384-3720
Tax Redemption: (217) 384-3722
TDY: (217) 384-8601

Name: CRIS CRAY
Organization: SBE
Fax: 782-5959
Subject: attached UOCAVA Voters
From: Rhonda Wrona
Phone Number: 384-8602
Date: 12-10-2010
Pages: 3, including this cover sheet.

Message:

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>95</u>
Uniformed Voters within United States	<u> </u>
Overseas Civilian Voters	<u>148</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>16</u>
Uniformed Voters within United States	<u>35</u>
Overseas Civilian Voters	<u> </u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

Signature did not match on 1 ballot

I hereby attest that the foregoing information is true and correct.

Mark Sheldon
Election Authority (printed)

Mark Sheldon
Election Authority (signature)

Champaign County
Election Authority Jurisdiction

12/9/10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>5</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

N/A

I hereby attest that the foregoing information is true and correct.

JUDIA K. CURTIN
Election Authority (printed)

Judia K. Curtin
Election Authority (signature)

CHRISTIAN
Election Authority Jurisdiction

12-9-10
Date

501 Archer Ave., Marshall, IL 62441 • 217-826-8311

**Clark County Clerk's
Office**

Fax

To: Cris Cray	From: Bill Downey
Fax: 217-524-5574	Pages: 3
Phone:	Date: 11/22/2010
Re: UOCAVA Voters Certification	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Wm. C. Downey
Election Authority (printed)

Wm C Downey
Election Authority (signature)

Clark County
Election Authority Jurisdiction

November 22, 2010
Date

BRENDA BRITTON

CLAY COUNTY
 COUNTY CLERK/RECORDER
 P.O. BOX 160
 LOUISVILLE, IL 62858
 PHONE: 618-665-3626

FAX NUMBER : 618-665-3607

FAX COVER SHEET

DATE: 11-22-10

TO: Cris Gray

FROM: Stacey

NUMBER OF PAGES: 2

COMMENTS: _____

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

Returned undelivered by P.O. Or physical
address.

I hereby attest that the foregoing information is true and correct.

Brenda Britton
Election Authority (printed)

Brenda Britton
Election Authority (signature)

Clay
Election Authority Jurisdiction

11-22-10
Date

Mary Rakers
 Clinton County Clerk
 850 Fairfax Room 230
 P.O. Box 308
 Carlyle, IL 62231
 Phone 618/594-2464 Ext. 630
 Fax 618/594-0195

**Mary Rakers
 Clinton County Clerk
 and Recorder**

Fax

To: Cris Gray	From: Jami
Fax:	Pages: 3
Phone:	Date:
Re:	CC:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● **Comments:**

You should receive 3 pages including cover sheet.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 1
Uniformed Voters within United States 3
Overseas Civilian Voters 2

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 2
Uniformed Voters within United States 1
Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Mary Bakers
Election Authority (printed)

Mary Bakers
Election Authority (signature)

Clinton County
Election Authority Jurisdiction

12/10/10
Date



COLES COUNTY CLERK & RECORDER
SUE RENNELS

FAX

DATE: 11-30-2010

TO: Cris Cray

ORGANIZATION: SBE

FAX NUMBER: 524-5574

TELEPHONE NUMBER:

FROM: Sheryl

SUBJECT: military Voters

NUMBER OF PAGES:

3 Total including CoverSheet

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>9</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Sue Benneke
Election Authority (printed)


Election Authority (signature)

Coles County
Election Authority Jurisdiction

11-30-2010
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election: **Our absentee system does not distinguish between military overseas and civilian overseas.**

Uniformed Overseas Voters _____

Uniformed Voters within United States _____

Overseas Civilian Voters 255 Also includes all Military
overseas/in-states

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters _____

Uniformed Voters within United States _____

Overseas Civilian Voters 280 Also includes all Military
overseas/in-states

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

BALLOT CERTIFICATION NOT SIGNED

POSTMARK AFTER 11/2/10

I hereby attest that the foregoing information is true and correct.

JAN A. KRALOVEC
Election Authority (printed)

Jan A. Kralovec
Election Authority (signature)

Cook County
Election Authority Jurisdiction

12/10/10
Date

619

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 60 of 100 PageID #:450
DEC-14-2010 TUE 07:50 PM CRAWFORD COUNTY CLERK FAX NO. 618 546 0140 P. 01

OFFICE OF THE COUNTY CLERK
PATRICIA "PATTY" LYCAN
CRAWFORD COUNTY CLERK



TELEPHONE: 618-546-1212
618-544-2590
FAX # 618-546-0140

FACSIMILE TRANSMITTAL

TO: Cris
FROM: Linda DATE: 12-14-10
FAX# 217-782-5959 PAGES: 4

PLEASE NOTE THE FOLLOWING:

Any questions call!

E-Mail: plycan@crawfordcountycentral.com
100 DOUGLAS ST., PO BOX 616, ROBINSON, IL 62454

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>—</u>
Uniformed Voters within United States	<u>—</u>
Overseas Civilian Voters	<u>—</u>

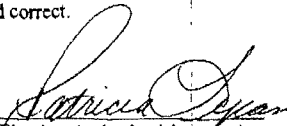
3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes — No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Patty Lyman
Election Authority (printed)


Election Authority (signature)

Crawford
Election Authority Jurisdiction

12-14-10
Date

*Sorry thought this had been taken care of
+ sorry*

JOY SUTHERLAND
CUMBERLAND COUNTY CLERK & RECORDER

P.O. BOX 146 TOLEDO, ILLINOIS 62468 217-849-2631 FAX 217-849-2968

FAX COVER SHEET

IF THIS FAX DOES NOT FULLY TRANSMIT OR IS DIFFICULT
TO READ, PLEASE NOTIFY SENDER AT PHONE NUMBER
ABOVE OR FAX 217-849-2968.

Company: State Board of Election	Date: Dec 8, 2010
Attn:	Phone#:
Fax#: 217-524-5574	Total # of Pages:

**** PLEASE DELIVER THIS FAX IMMEDIATELY****

"You're always welcome in the County Clerk's Office"

mailed 12-8-2010
cris gray
 Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 3
 Uniformed Voters within United States 4
 Overseas Civilian Voters

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters
 Uniformed Voters within United States 1
 Overseas Civilian Voters

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Tammy Kuhn
Election Authority (printed)

Tammy Kuhn
Election Authority (signature)

Cumberland
Election Authority Jurisdiction

12-8-2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>15</u>
Overseas Civilian Voters	<u>20</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No ✓

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 67 of 100 PageID #:457

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Sharon L. Holmes
Election Authority (printed)

Sharon L. Holmes
Election Authority (signature)

DeKalb County
Election Authority Jurisdiction

11-24-10
Date

**DEWITT COUNTY CLERK & RECORDER**

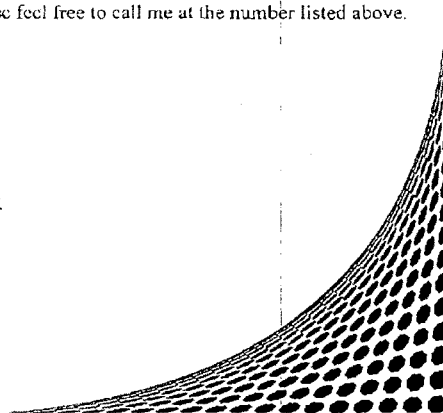
PHONE: 217-935-7780 FAX: 217-935-7789

FAX TO: ATTN: CRIS CRAYFAX FROM: DANA SMITH# OF PAGES INCLUDING COVER SHEET: 3DATE OF FAX: 12/1/2010 TIME: 9:30AM**MEMO:**

Attached, please find the "Certification of receipt of absentee ballots from UOCAVA voters".
Should you have any other questions, please feel free to call me at the number listed above.

THANK YOU,
DANA SMITH
DEWITT COUNTY CLERK/RECORDER

Dana Smith, Co. Clerk & Recorder
P.O. box 439, 201 W. Washington St.
Clinton, IL 61727
dsmith@dewittcountylvil.com



Ex 217-524-5574

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No x

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Dana Smith
Election Authority (printed)

Dana Smith
Election Authority (signature)

Dewitt
Election Authority Jurisdiction

12-1-2010
Date

From the office of
James A. Ingram
 Douglas County Clerk & Recorder
 PO Box 467 401 S. Center Street, Tuscola, IL, 61953
 Phone: 217-253-2411
 FAX: 217-253-2233

TO:	Cris Cray SBE - 217-524-5574
FROM:	Douglas County Clerk's Office Sheryl Deckard, Election Deputy
DATE:	November 23, 2010
RE:	Survey (& the Certification too)

Comments: 12 pages follow

FAX

NOV-23-2010 09:24 From: DOUGLAS COUNTY CLERK 217-253-2233
 To: 217-524-5574 P.1 of 12

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>8</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

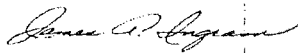
Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

The Military Domestic Voter returned the ballot with written instructions stating that they were now registered in another state and requested that their registration and ballot be cancelled. CERTIFICATION OF BALLOT ENVELOPE was not signed. Cancelled ballot was included. Election Judges rejected ballot.

I hereby attest that the foregoing information is true and correct.

James A. Ingram
Election Authority (printed)


Election Authority (signature)

Douglas County
Election Authority Jurisdiction

November 22, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>309</u>
Uniformed Voters within United States	<u>50</u>
Overseas Civilian Voters	<u>50</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>44</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>7</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

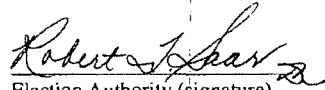
If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

1) No signed application returned

1) No ballot returned in the envelope

I hereby attest that the foregoing information is true and correct.

Robert T. Saar
Election Authority (printed)


Election Authority (signature)


DuPage County Election Commission
Election Authority Jurisdiction

December 7, 2010
Date

REBECCA R. KRAEMER

*Edgar County Clerk and Recorder
115 W. Court Street Room "J"
Paris, Illinois 61944-1785
Phone: 217-466-7433
Fax: 217-466-7430*

ONE PAGE FAX MEMO
(with 2 more to follow)

DATE: November 19, 2010
FROM: REBECCA R. KRAEMER 
TO: Cris Cray @ SBE @ Fax #217-524-5574

COMMENTS:

Hopefully, I'm sending you THE LAST Certification request on UOCAVA voters in the November 2, 2010 General Election.

Thanks, Cris.

Becky K

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

One uniformed Overseas Voter requested a Ballot on October 4th and it was

sent out on October 4th via "mail", pursuant to the application.

The voted ballot was received on November 5th; however, it was

POSTMARKED NOVEMBER 2, 2010 - One Day Too Late

I hereby attest that the foregoing information is true and correct.

Rebecca R. Kraemer
Election Authority (printed)


Election Authority (signature)

Edgar County
Election Authority Jurisdiction

November 19, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>

Overseas Civilian Voters

1

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Mary Beth Smith
Election Authority (printed)

Mary Beth Smith
Election Authority (signature)

Edwards County
Election Authority Jurisdiction

11-22-10
Date

Effingham County Clerk and Recorder**KERRY J. HIRTZEL**P.O. BOX 628 - 101 N. FOURTH STREET - EFFINGHAM, IL 62401
PHONE (217) 342-6535 - FAX (217) 342-3577 - countyclerk@co.effingham.il.us**FAX COVER SHEET**DATE: 11-22-2010 TOTAL NUMBER OF PAGES: 2# FAXED TO: 217-524-5574 TIME: _____PLEASE DELIVER TO: Cris Cray**SUBJECT - REMARKS - MESSAGE**Certification of receipt of
absentee ballots UOCAVA Voters.FROM: Judy Whitkop Deputy Co. Clerk

IF ALL PAGES ARE NOT RECEIVED PLEASE CONTACT OUR OFFICE

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>5</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

KERRY J HIRTZEL
 Election Authority (printed)

Kerry J. Hirtzel
 Election Authority (signature) *[Signature]*

EFFINGHAM
 Election Authority Jurisdiction

NOV. 22, 2010
 Date

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 86 of 100 PageID #:476

From:

11/22/2010 08:57

#915 P.001/003

Office Hours:
8-4 Monday-Friday
221 S. Seventh Street
Rm 106

Terri D. Braun
Fayette County Clerk & Recorder

P. O. Box 401
Vandalia, IL 62471
Office: 618-283-5000
Fax: 618-283-5004

FAX

Date: November 22, 2010

Number of Pages Including Cover Sheet: _____

To:

Cris Crag

From:

Kelly

Phone: _____

Fax #: 217-524-5574

CC: _____

Phone: _____

Fax #: _____

REMARKS:

☒ As Requested ☐ For Your Review ☐ Reply ☐ Please Comment

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 88 of 100 PageID #:478

From:

11/22/2010 08:57

#915 P.003/003

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Terri D. Braun
Election Authority (printed)

Terri D. Braun
Election Authority (signature)

Fayette County
Election Authority Jurisdiction

November 22, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 90 of 100 PageID #:480

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Linda Kellerhals
Election Authority (printed)

Linda Kellerhals
Election Authority (signature)

Ford County
Election Authority Jurisdiction

11-19-10
Date

Case: 1:10-cv-06800 Document #: 20-1 Filed: 12/17/10 Page 91 of 100 PageID #:481
12/08/2010 15:02 618-439-3029 SUPPLY OF ASSINITS PAGE 01

FRANKLIN COUNTY
: ELECTION OFFICE
: 202 W MAIN ST
: BENTON, IL 62812
: Phone: 618-439-3403
: Fax: 618-439-3029

To: Cris Clay Fax: 217 524 5574
From: _____ Date: _____
Re: _____ Pages: 3
CC: _____
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



per your request

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>7</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Dave Dobill
Election Authority (printed)

Dave Dobill
Election Authority (signature)

Franklin County
Election Authority Jurisdiction

12-8-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>—</u>
Uniformed Voters within United States	<u>—</u>
Overseas Civilian Voters	<u>—</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

James I. Nelson
Election Authority (printed)

James I. Nelson
Election Authority (signature)

Fulton County, IL
Election Authority Jurisdiction

11-22-10
Date



FAX TRANSMITTAL
 GALLATIN COUNTY CLERK
 LINCOLN BOULEVARD
 SHAWNEETOWN, ILLINOIS 62984
 FAX: 618-269-3343

DATE: 12-6-10

TO:

PHONE NUMBER:

FAX NUMBER:

FROM:

PHONE NUMBER: (618) 269-3025

FAX NUMBER: (618) 269-3343

TOTAL NUMBER OF PAGES: 3

MESSAGE:

*Cert. of Receipt of Absentee Ballots
 from OUCAVA voters
 Gallatin County*

Confidentiality Notice: The material transmitted herein is intended only for the use of the addressee, and may contain information that constitutes work product, or is subject to attorney-client privilege, or is confidential and exempt from disclosure under applicable law. This transmittal, distribution or copying of this communication or reliance upon its contents by unauthorized recipients is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us via the U.S. Postal Service.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

[Handwritten mark resembling a large 'X' or 'C' over the lines]

I hereby attest that the foregoing information is true and correct.

Elizabeth Wargel
Election Authority (printed)

Elizabeth Wargel
Election Authority (signature)

Gallatin County
Election Authority Jurisdiction

12-6-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>11</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Deborah Banahunt
Election Authority (printed)

Deborah Banahunt
Election Authority (signature)

Greene County
Election Authority Jurisdiction

11/22/10
Date

EXHIBIT A

(Part 2 of 3)

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>25</u>
Overseas Civilian Voters	<u>7</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 3 of 98 PageID #:493

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

Processing Judges found identifying marks on ballot

I hereby attest that the foregoing information is true and correct.

Lana J. Phillips
Election Authority (printed)

Lana J. Phillips
Election Authority (signature)

Grundy County
Election Authority Jurisdiction

November 24, 2010
Date

HAMILTON COUNTY ILLINOIS
MARY ANNE HOPFINGER
COUNTY CLERK/RECORDER
400 SOUTH JACKSON STREET
MCLEANSBORO, ILLINOIS, 62859-1489
PHONE: 618-643-2721
FAX: 618-643-2756

DATE: 12-08-2010

COVER SHEET FOR FAX TRANSMISSION

TO: FAX Telephone: 217-524-5574
Addressee:
Company: Altn: Lisa Cray
City/State

FROM: Person Sending Fax: Mary Anne Hopfinger

Number of Pages(including cover sheet): 3

Please verify receipt of Fax ASAP: Yes _____ NO _____

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COMMENTS:

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 0

Overseas Civilian Voters 0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 0

Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No 0

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 6 of 98 PageID #:496
618-640-2756 HAMILTON CO. CLERK 702 P03 DEC 08 '10 19:35

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

MARY ANNE HOPFINGER
Election Authority (printed)

Mary Anne Hopfinger
Election Authority (signature)

HAMILTON
Election Authority Jurisdiction

DECEMBER 8th, 2010
Date

Phone #: (618) 287-2251
Fax #: (618) 287-2661

Send to:	From: Mary Ellen Denton
Attention: Chris Gray	Date: 12-3-10
Phone Number:	Phone Number:
Fax Number: 217-524-5574	Fax Number:

- Total pages, including cover: 2

--

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>- 0 -</u>
Uniformed Voters within United States	<u>- 0 -</u>
Overseas Civilian Voters	<u>- 0 -</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

N/A

I hereby attest that the foregoing information is true and correct.

Mary Ellen Denton
Election Authority (printed)

Mary Ellen Denton
Election Authority (signature)

Hardin County
Election Authority Jurisdiction

11-21-2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Marcella Cigna
Election Authority (printed)

Marcella Cigna
Election Authority (signature)

Wenderson County
Election Authority Jurisdiction

11-19-10
Date

Barbara M. Link
Henry County Clerk/Recorder/Election Authority
307 W Center St Cambridge, IL 61238
WEBSITE: www.henrycty.com EMAIL: blink@henrycty.com
Telephone (309) 937-3575 Fax (309) 937-2796

Fax

To: Chris Cray From: Henry County Clerk/Recorder/
Voter Registration/Accounting

Fax: (217) 782-5959

Phone: _____ Pages: 3

Re: _____ Date: 12-5-2010

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

AMOUNT DUE: _____ PAYABLE UPON RECEIPT
MAKE CHECKS OR MONEY ORDER PAYABLE TO:

BARBARA M. LINK, COUNTY CLERK/RECORDER
307 W. CENTER ST
CAMBRIDGE, IL 61238

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 4
Uniformed Voters within United States 30
Overseas Civilian Voters 7

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters
Uniformed Voters within United States
Overseas Civilian Voters 3

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

Postmarked November 3rd, 2010

Date 12-6-10

Lisa L. Fancher
Iroquois County Clerk and Recorder
1001 East Grant Street
Watseka, IL 60970

Clerk's Office.....(815) 432-6960
 Recording Office(815) 432-6962
 Fax Number(815) 432-3894

Fax Transmittal Cover Sheet

To: Cris Cray, SBE

Fax Number: 217-524-5574

From: Dianne

Date: 11-22-10

Number of pages (Cover sheet included) 2

"The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained is privileged and intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution, or the taking of any action in reliance on the content of this information is strictly prohibited. If you received this facsimile transmission in error, please notify us by telephone and/or arrange for return of the forwarded documents to us."

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>5</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

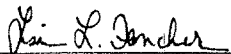
3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Lisa L. Fancher
Election Authority (printed)


Election Authority (signature)

Iroquois County Clerk
Election Authority Jurisdiction

November 22, 2010
Date

LARRY W. REINHARDT
JACKSON COUNTY CLERK AND RECORDER
1001 WALNUT ST.
MURPHYSBORO, IL 62966
(618) 687-7360

DATE: 12-10-10

TO: Cris Cray

COMPANY: _____

FROM: Larry R.

FAX: _____

REMARKS: Sorry for the delay. And just for the
record Renee volunteered to come perform the survey.

Our numbers differ slightly from the original
survey sent past election day as we literally
audited all non election day voters to find any
that may have been on the wrong list previously.

L.R.

NUMBER OF PAGES INCLUDING COVER SHEET _____

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>27</u>
Overseas Civilian Voters	<u>28</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

1 Ballot e-mailed to voter on October 21st was not postmarked

for return until November 3rd.

I hereby attest that the foregoing information is true and correct.

LARRY W. REINHART
Election Authority (printed)


Election Authority (signature)

JACKSON County
Election Authority Jurisdiction

12-10-10
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 1
Overseas Civilian Voters 0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 0
Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

-
-
-
-
-

I hereby attest that the foregoing information is true and correct.

L. W. Huth
Election Authority (printed)

Linda Huth
Election Authority (signature)

Jasper County
Election Authority Jurisdiction

12-8-10
Date

We had one student, residing in
Champaign, IL who marked on her application
she was an overseas but actually was not.
Linda Huth

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 23 of 98 PageID #:513

Attn: Cris Gray

Fax 217-521-5574

FAXED

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>13</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Connie Simmons
Election Authority (printed)

Connie Simmons
Election Authority (signature)

Jefferson County
Election Authority Jurisdiction

11-19-2010
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 25 of 98 PageID #: 515
NOV-23-2010 TUE 09:28 AM JO DAVIESS CO RECORDER FAX NO. 815 777 3688 P. 01

Phone: 815-777-0161
Fax: 815-777-3688

**Jo Daviess County
Clerk's Office**
Jean Dimke, County Clerk/Recorder

Fax

To:	Cris Cray	From:	Jean Dimke
At:	Illinois State Board of Elections	Date:	November 23, 2010
Fax:	217-782-5959	Pages:	13 (including cover sheet)
Re:	UOCAVA Cert & Nov 2010 Survey		

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Hi Cris,

Following is the UOCAVA Certification and the General Election Day Data Survey
2010 for Jo Daviess County.

Please let me know if you need further information.

Thanks.
Jean

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 26 of 98 PageID #:516
NOV-23-2010 TUE 09:28 AM JD DAVLESS CO RECORDER FAX NO. 815 777 3688 P. 02

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters 1
Uniformed Voters within United States 4
Overseas Civilian Voters 5

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 0
Overseas Civilian Voters 1

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 27 of 98 PageID #: 517
NOV-23-2010 TUE 09:28 AM JO DAVIESS CO RECORDER FAX NO. 815 777 3688 P. 03

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Jean Dimke
Election Authority (printed)

Jean Dimke
Election Authority (signature)

Jo Daviess County
Election Authority Jurisdiction

November 23, 2010
Date

217-524-
5574

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 0
Overseas Civilian Voters 0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 0
Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Robert Harper Whitehead
Election Authority (printed)

Robert Harper Whitehead
Election Authority (signature)

Johnson
Election Authority Jurisdiction

11/19/10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>11</u>
Uniformed Voters within United States	<u>65</u>
Overseas Civilian Voters	<u>92</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>21</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

KANE COUNTY Illinois
Election Authority (printed)

[Signature]
Election Authority (signature)

KANE
Election Authority Jurisdiction

12-10-10
Date



From The Office of:
 BRUCE CLARK
 Kankakee County Clerk
 189 E. Court St.
 Kankakee, IL 60901



FAX TRANSMITTAL FORM

TO: CRIS

FAX #: _____

FROM: _____

DATE: _____

TIME: _____

OF PAGES: 2 incl cover

If you have any difficulty in
 receiving this fax, please call
 815/937-2990 and ask for

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>5</u>
Uniformed Voters within United States	<u>10</u>
Overseas Civilian Voters	<u>6</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>4</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 34 of 98 PageID #:524
DEC-08-2010 12:46 From: KANKAKEE CO CLERK 815 939 8631 To: 12175245574 P.2/2

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Bruce Clark
Election Authority (printed)

Bruce Clark
Election Authority (signature)

Kankakee County
Election Authority Jurisdiction

11/23/2010
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>5</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>


3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

____Debbie Gillette____
Election Authority (printed)


Election Authority (signature)

____Kendall County____
Election Authority Jurisdiction

____12-03-2010____
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 37 of 98 PageID #:527
 Dec. 3. 2010 10:01AM No. 3734 P. 1



THE COUNTY OF KNOX
 STATE OF ILLINOIS
 OFFICE OF THE COUNTY CLERK

SCOTT G. ERICKSON
 KNOX COUNTY CLERK

Knox County Courthouse
 200 South Cherry Street
 Galesburg, Illinois 61401-4992

(309) 345-3815
 Fax: (309) 345-3801
 Website: www.KnoxClerk.org

Facsimile Transmittal Form

To: STATE BOARD OF ELECTIONS
 Fax Number: 217-782-5959
 From: ☒ Scott G. Erickson ☐ Sara Varner
☐ Shieia Parkin ☐ Dana Mitchell
☐ Linda Stroops ☐ Jane Smith
 Date: 12/3/10 Time: _____
 Regarding: UOCAVA REGISTRATION
 Pages: 3 (including this one)

Comments:

CONFIDENTIALITY NOTICE:

The document accompanying this facsimile transmission contains confidentiality information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone to arrange for return of the original document to us.

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>2</u>	
Uniformed Voters within United States	<u>11</u>	13
Overseas Civilian Voters	<u>2</u>	

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>2</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

SCOTT EATCKSON
Election Authority (printed)

[Signature]
Election Authority (signature)

KATY COUNTY
Election Authority Jurisdiction

12/2/10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>24</u>
Uniformed Voters within United States	<u>139</u>
Overseas Civilian Voters	<u>142</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>6</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>56</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

One ballot was returned without the required, signed Certification Envelope.

I hereby attest that the foregoing information is true and correct.

WILLARD R. HELANDER
Election Authority (printed)

Willard R. Helander
Election Authority (signature)

LAKE COUNTY
Election Authority Jurisdiction

12-9-10
Date

707 E Etha Rd, P O Box 430, Ottawa, IL 61350-0430
 Phone: 815-434-8202 Fax: 815-434-8319

JoAnn Carretto
LaSalle County Clerk



Fax

To: Chris Cray From: JoAnn Carretto
 Fax: 217 524 5574 Pages: 3 including cover
 Phone: _____ Date: 12 10 10
 Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

* Comments:

Sorry I'm so dense!

JoAnn

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States

Overseas Civilian Voters

28
1

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States

Overseas Civilian Voters

2
0

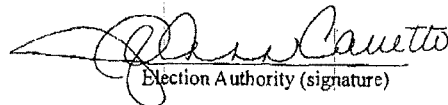
3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ___ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

JoAnn Carretto
Election Authority (printed)


Election Authority (signature)

LaSalle County
Election Authority Jurisdiction

12 10 10
Date

WILL C. GIBSON
COUNTY CLERK & RECORDER
Lawrence County Courthouse
Lawrenceville, IL 62432

DATE Dec. 9, 2010
TO: Cris Cray
COMPANY: JBE
TELECOPIER NUMBER: 217-782-5959
FROM: Lawrence County Clerk
NUMBER OF PAGES TO FOLLOW THIS TRANSMITTAL SHEET: 1
RE: Certification Request

IF ALL OF THE PAGES ARE NOT RECEIVED OR THERE IS ANY OTHER PROBLEM
WITH THIS TRANSMITTAL, PLEASE CALL.

Jeri Gibson
NAME OF SENDER

943-2346
TELEPHONE NUMBER

THANK YOU

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>5</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

The person failed to date & sign certification
envelope.

I hereby attest that the foregoing information is true and correct.

Will C. Gibson
Election Authority (printed)

Will C. Gibson
Election Authority (signature)

Lawrence County
Election Authority Jurisdiction

DEC. 9, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before **November 2** and counted in the election:

Uniformed Overseas Voters	1
Uniformed Voters within United States	12
Overseas Civilian Voters	1

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after **November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	1
Uniformed Voters within United States	-0-
Overseas Civilian Voters	-0-

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.
N/A

I hereby attest that the foregoing information is true and correct.

Nancy Nelson
Election Authority (printed)

Nancy Nelson
Election Authority (signature)

Lee County
Election Authority Jurisdiction

December 2, 2010
Date

**KIRSTY A MARSHING
COUNTY CLERK AND RECORDERS OFFICE
LIVINGSTON COUNTY
PONTIAC, ILLINOIS 61764-1871**

**(815) 844-2000
FAX # (815) 842-1844**

FACSIMILE TRANSMISSION

NAME: Chris Cray

TO COMPANY/ LOCATION: State Board of Elections

FAX NUMBER: 817-584-5574

NAME: Pat Oltman

FROM DATE: 11-22-10

NUMBER OF PAGES, INCLUDING THIS PAGE 3

MESSAGE

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (815) 844-2000

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>9</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ~~X~~

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Kristy A. Masching
Election Authority (printed)

Kristy A. Masching
Election Authority (signature)

Linn County
Election Authority Jurisdiction

11-22-10
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 52 of 98 PageID #:542
12/08/2010 12:48 FAX 2177320084 @001



LOGAN COUNTY CLERK
Logan County Courthouse
P.O. Box 278
Lincoln, IL 62656

Phone: (217) 732-4148
Fax: (217) 732-6064
Web: www.co.logan.il.us

Sally J. Litterly
Logan County Clerk and Recorder

Facsimile Transmittal Sheet

Date: 12-8-10
Attn: _____
Company: State Board of Elections
Fax: 217 782-5959
From: Logan County Clerk's Office
Number of Sheets Including This Sheet: 5
Special Instructions: _____

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters 2

Uniformed Voters within United States 6

Overseas Civilian Voters

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters (1)

Uniformed Voters within United States

Overseas Civilian Voters _____

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ____ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

SALLY J. LITTERLY
LOGAN COUNTY CLERK
Election Authority (printed)

Sally J. Litterly
Election Authority (signature)

LOGAN COUNTY
Election Authority Jurisdiction

12-8-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>35</u>
Uniformed Voters within United States	<u>43</u>
Overseas Civilian Voters	<u>7</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Stephen M. Bean
Election Authority (printed)

[Signature]
Election Authority (signature)

Macon County
Election Authority Jurisdiction

11/29/10
Date

P.O. Box 107
Carlinville, IL 62626
Phone 217/854-3214
Fax 217/854-7347

**MACOUPIN COUNTY
CLERK/RECORDER**

Fax

To: Cris Cray	From: Michele Zippay
Fax: 217/524-5574	Pages: 3
Phone:	Date: 11/28/2010
Re:	cc:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Here is the certification of receipt of absentee ballots from UOCAVA Voters.

If you need any additional information please contact me at 217/854-3214, ext 707.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>12</u>
Uniformed Voters within United States	<u>54</u>
Overseas Civilian Voters	<u>12</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No ^x

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Michele A. Zippay
Election Authority (printed)

Michele A. Zippay
Election Authority (signature)

Macoupin County
Election Authority Jurisdiction

November 29, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>8</u>
Uniformed Voters within United States	<u>78</u>
Overseas Civilian Voters	<u>23</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>8</u>
Overseas Civilian Voters	<u>3</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☒ No ☐

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

2 Ballots not postmarked
by November 1, 2010. They were
post marked after Nov. 1, 2010

I hereby attest that the foregoing information is true and correct.

MARK VON NIDA
Election Authority (printed)


Election Authority (signature)

Madison County
Election Authority Jurisdiction

12/9/2010
Date

STEVEN A. FOX

Marion County Clerk & Recorder

P.O. Box 637

SALEM, IL 62881

618-548-2226 (fax)

618-548-3400

618-548-3868 (Board Phone)

DATE: 12/17/10FACSIMILE TRANSMITTAL FORMATTENTION: Cris CrawfordFAX #: 217-524-5574FROM: Steven FoxTRANSMITTED FROM: (618-548-2226)

RE: _____

TOTAL PAGES TRANSMITTED: Page (1) of (3)

COMMENTS or INSTRUCTIONS:

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	_____
Uniformed Voters within United States	<u>16</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	_____
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	_____

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Steven A. Fox
Election Authority (printed)

Steve Fox
Election Authority (signature)

Marion
Election Authority Jurisdiction

12-7-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Andrea J. Mahoney-Platt
Election Authority (printed)

Andrea J. Mahoney-Platt
Election Authority (signature)

Marshall County
Election Authority Jurisdiction

December 8, 2010
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

William R. Blessman
Election Authority (printed)

[Signature]
Election Authority (signature)

Mason County
Election Authority Jurisdiction

11-19-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>2</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No x _____

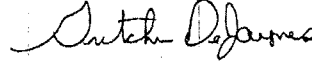
If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Gretchen DeJaynes
 Election Authority (printed)

McDonough County
 Election Authority Jurisdiction

Election Authority (signature)



November 29, 2010
 Date



OFFICE OF
KATHERINE C. SCHULTZ
MCHEMRY COUNTY CLERK
MCHEMRY COUNTY GOVERNMENT CENTER
2200 N. SEMINARY AVENUE
WOODSTOCK, ILLINOIS 60098
PHONE 815-334-4242

Fax 815-334-8727

FACSIMILE TRANSMISSION

TO: Cristina Cray
COMPANY: Elections (SBE)
FAX NO: 217-524-5574
NOTES: Certification of
Receipt of Absentee
Ballots from UOCAVA
Members, Maryland W.

NO. OF PAGES INCLUDING THIS PAGE: 3

**Certification
 of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 2
 Uniformed Voters within United States 14
 Overseas Civilian Voters 1

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 2
 Uniformed Voters within United States 2
 Overseas Civilian Voters 1

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ✓ No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

ONE BALLOT CAME IN ON THE 15th OF NOVEMBER 2010, IT WAS MIS-LAID AND NOT FOUND UNTIL THE 17th OF NOVEMBER 2010, WHICH WAS AFTER THE DATE THAT LATE ABSENTEES AND PROVISIONALS WERE TO BE COUNTED. IT APPEARS TO BE A FEDERAL WRITE-IN BALLOT NOT ONE OF OUR PAPER BALLOTS FROM OUR OFFICE.

IT HAS BEEN STRESSED TO OFFICE STAFF THAT THIS CANNOT HAPPEN IN THE FUTURE.

I hereby attest that the foregoing information is true and correct.

Katherine A. Schultz
Election Authority (printed)

Katherine A. Schultz
Election Authority (signature)

McHenry County
Election Authority Jurisdiction

12-2-10
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 76 of 98 PageID #: 566

FROM : McLean Co Clerk

FAX NO. : 3098885932

Dec. 08 2010 04:03PM P1



Kathy Michael
McLean County Clerk
115 E. Washington Street Room 102
Bloomington, IL 61701
309-888-5190
Fax: 309-888-5932

Facsimile Transmittal**To: Cris Cray****Fax: 217 782 5959****From: Linda Shriver****Date: 12/08/2010****McLean County Election
Administrator****Rc: UOCAVA voters****Pages: 3 including cover page****NOTE:**

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters

7

Uniformed Voters within United States

16

Overseas Civilian Voters

5

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters

1

Uniformed Voters within United States

0

Overseas Civilian Voters

0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes 1 No —

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 78 of 98 PageID #:568

FROM : McLean Co Clerk

FAX NO. : 309885932

Dec. 08 2010 04:03PM P3

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

One voter returned the ballot with no
certification envelope or certification paper

I hereby attest that the foregoing information is true and correct.

Linda Shriver
Election Authority (printed)


Election Authority (signature)

McLean County
Election Authority Jurisdiction

12-8-10
Date

MENARD COUNTY CLERK & RECORDER

Gene Treseler, Clerk
102 S. 7th Street, PO Box 465
Petersburg, IL 62675
(217) 632-3201 or 632-2415

Chief Deputy: Patricia Duncanson
Chief Deputy/Recorder: Carol Schafer
Deputy Registrar: Amy Ruppel

FAX COVER SHEET

(217) 632-4301/FAX NUMBER

DATE: 11-23-10TO: Ill. State Board of Election FAX # 524-5574ATTN: Cris CragFROM: Amy Ruppel# OF PAGES (INCLUDING COVER SHEET): 3

COMMENTS: _____

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	_____
Uniformed Voters within United States	<u> 7 </u>
Overseas Civilian Voters	<u> 2 </u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	_____
Uniformed Voters within United States	_____
Overseas Civilian Voters	<u> 2 </u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Gene Traylor
Election Authority (printed)

Gene Traylor
Election Authority (signature)

Menard County
Election Authority Jurisdiction

11-23-10
Date

Dec 18, 2010 3:52PM

Ms. J. S. I. I.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>6</u>
Overseas Civilian Voters	<u>4</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>—</u>
Uniformed Voters within United States	<u>—</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No —

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 83 of 98 PageID #:573
Dec. 8, 2010 3:33PM No. 2:5 F. 2

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I had no signature on the certification envelope
I was premarked after the Nov. 2nd deadline

I hereby attest that the foregoing information is true and correct.

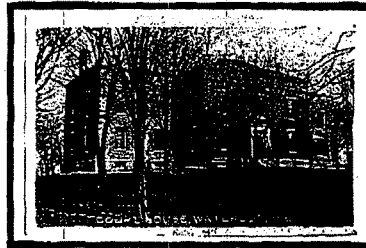
Phyllis Bewley
Election Authority (printed)

Phyllis Bewley
Election Authority (signature)

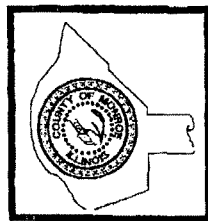
Mewer
Election Authority Jurisdiction

12/8/10
Date

FAX . . .
FAX . . .
FAX . . .



FROM THE
MONROE COUNTY CLERK'S OFFICE



Monroe County Courthouse
100 SOUTH MAIN STREET
WATERLOO, IL. 62298
PHONE (618) 939-8681
FAX (618) 939-8639

TO: _____
FAX # _____

FROM: _____
FAX # _____

This transmission includes ____ pages including the cover page:

COMMENTS: _____

DATE _____ **TIME** _____

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters - 3

Uniformed Voters within United States - 10

Overseas Civilian Voters - 1

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters - 0

Uniformed Voters within United States - 2

Overseas Civilian Voters - 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Dennis M. Kiobloch
Election Authority (printed)

[Signature]
Election Authority (signature)

Monroe County
Election Authority Jurisdiction

11/22/10
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 87 of 98 PageID #:577

From: *Montgomery College* / To: *Cris Cray / SBE*
 FAX 217-532-9581 FAX 217-524-5572
 Certification
 of receipt of absentee ballots from UOCAVA Voters *2 pages*

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters *9*
 Uniformed Voters within United States *1*
 Overseas Civilian Voters *1*

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters *0*
 Uniformed Voters within United States *1*
 Overseas Civilian Voters *0*

12 total

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Sandy Leithaiser
Election Authority (printed)

Sandy Leithaiser
Election Authority (signature)

Montgomery
Election Authority Jurisdiction

11/19/10
Date

FAX COVER SHEET

Date: 12-3-10Number of Pages 3
(including cover sheet)

Jill S Waggener Morgan County Clerk & Recorder Morgan County Courthouse PO Box 1387 Jacksonville, IL 62651-1387	Phone: (217) 243-8581 Fax: (217) 243-8368
---	--

TO: CRIS CRAY - SBEFAX NUMBER: 1-217-524-5574FROM: MORGAN COUNTY CLERKS OFFICERE: CENT. UOCAVA VOTERS

*** THANK YOU ***

IF TRANSMISSION IS NOT COMPLETE, PLEASE CALL (217) 243-8581.

The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained is privileged and intended only for the use of the individual named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or taking of any action in reliance of the contents of this information is strictly prohibited. If you have received this transmission in error, please notify us immediately by phone to arrange the return of the documents to us.

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>6</u>
Uniformed Voters within United States	<u>11</u>
Overseas Civilian Voters	<u>3</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Jill S. Waggener
Election Authority (printed)

Jill S. Waggener
Election Authority (signature)

MORGAN
Election Authority Jurisdiction

December 3, 2010
Date

Case: 1:10-cv-06800 Document #: 20-2 Filed: 12/17/10 Page 92 of 98 PageID #: 582
12-10-'10 15:21 FROM:Moultrie Co. Clerk 217 T-622 P001/003 F-978

Post-it! Fax Note	7671	Date	12/10/2010	Page #	3
To	Chris Cray	From	Jamie Helton		
Cc. Dept.	SBE	Cc.	Moultrie Co.		
Phone #		Phone #	723-4389		
Fax #	217-524-5574	Fax #			

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>5</u>
Overseas Civilian Voters	<u>3</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Jamie Helton
Election Authority (printed)

Jamie Helton
Election Authority (signature)

Moultrie
Election Authority Jurisdiction

12/10/2010
Date

Nov. 29. 2010 10:55AM Received

Attn: Cris Gray

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>5</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

N/A

I hereby attest that the foregoing information is true and correct.

Ogle County
Election Authority (printed)

Rebecca Huntley
Election Authority (signature)

Election Authority Jurisdiction

Nov. 29, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>10</u>
Uniformed Voters within United States	<u>15</u>
Overseas Civilian Voters	<u>20</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>2</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.


One domestic military ballot, received on 10-21-10 was not signed. The voter was sent a letter, and email to the address we had was returned as undeliverable. The voter did not contact us and did not submit a "wet" signature.

One domestic military ballot was postmarked too late to count; this ballot was sent on 9-3-10.

One overseas military ballot was returned on 11-8-10 as undeliverable. This ballot was sent on 9-3-10.

I hereby attest that the foregoing information is true and correct.

R. Steve Sonnemaker
Election Authority (printed)


Election Authority (signature)

Peoria County
Election Authority Jurisdiction

11/22/10
Date

EXHIBIT A

(Part 3 of 3)

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>7</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

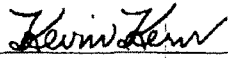
Yes _____ No x

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

N/A

I hereby attest that the foregoing information is true and correct.

KEVIN KERN
Election Authority (printed)


Election Authority (signature)

PERRY COUNTY
Election Authority Jurisdiction

12/8/2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before **November 2** and counted in the election:

Uniformed Overseas Voters	0
Uniformed Voters within United States	5
Overseas Civilian Voters	2

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	0
Uniformed Voters within United States	1
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Pat Rhodes
Election Authority (printed)

Pat Rhodes
Election Authority (signature)

Platt County
Election Authority Jurisdiction

11/22/10
Date

Donnie Apps	Deputies
Pike County Clerk	Becky Irwin
100 E. Washington St.	Jeana Kindle
Pittsfield, IL. 62363	Dena Stinebaker
Fax # 217-285-5820	Lisa Myers
	Phyllis McCartney

Fax

To: SBE - Attention Cris Cray
Fax: 217-524-5574
From: Donnie Apps
Date: 11-22-10 Pages: 3

Message: Cris all our military in the States either ~~are~~ came home & voted in person or voted by regular application through the mail.

•Comments: FAX NUMBER 217-285-5820

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters

0

Uniformed Voters within United States

0

Overseas Civilian Voters

0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters

0

Uniformed Voters within United States

0

Overseas Civilian Voters

0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

-

-

-

-

-

I hereby attest that the foregoing information is true and correct.

Donnie Apps
Election Authority (printed)

Donnie Apps
Election Authority (signature)

Pike County
Election Authority Jurisdiction

11-22-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

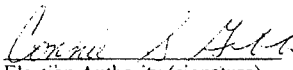
3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Connie S. Gibbs
Election Authority (printed)


Election Authority (signature)

Pope
Election Authority Jurisdiction

Nov. 22, 2010
Date



Julie Sauerbrunn, County Clerk
Pulaski County Courthouse
500 Illinois Ave
P.O. Box 118
Mound City, IL 62963
618-748-9360
Fax (618) 748-9305



TO: Christina Cray
From: Mary

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Julie Sauerbrunn
Election Authority (printed)

Julie Sauerbrunn
Election Authority (signature)
by Mary Lane

Pulaski
Election Authority Jurisdiction

12-10-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

DANIEL S. KUHN
Election Authority (printed)


Election Authority (signature)

PUTNAM COUNTY
Election Authority Jurisdiction

12/10/2010
Date

RANDOLPH COUNTY CLERK

1 TAYLOR STREET/ROOM 202
CHESTER, IL 62233
618-826-5000 EXT 115
Fax: 618-826-3750

FAX TRANSMISSION COVER SHEET

Date: November 23, 2010
To: CHRIS CRAY
Fax:
Re: UOCAVA VOTERS
Sender: PAT LARAMORE

YOU SHOULD RECEIVE PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 618-826-5000 EXT
115.

Enclosed is the certificate for UOCAVA Voters. Thank You.



**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>8</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Pat Laramore
Election Authority (printed)

Pat Laramore
Election Authority (signature)

Randolph
Election Authority Jurisdiction

11-23-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 6

Overseas Civilian Voters 2

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States 1

Overseas Civilian Voters 3

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

ALICE MULLINAX
Election Authority (printed)

Alice Mullinax
Election Authority (signature)

RICHLAND COUNTY
Election Authority Jurisdiction

December 9, 2010
Date

Alice Mullinax
Richland County Clerk/Recorder
Courthouse, 103 W. Main St.
Olney, IL 62450

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>9</u>
Uniformed Voters within United States	<u>30</u>
Overseas Civilian Voters	<u>20</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>5</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Dianna L. Ruhl
Election Authority (printed)

Dianna L. Ruhl
Election Authority (signature)

Rock Island Co.
Election Authority Jurisdiction

Nov. 22, 2010
Date

780

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 23 of 91 PageID #:611
11/22/2010 22:28 FAX ELECTINS OFFICE 001

Attn C Cray

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>6</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 25 of 91 PageID #:613
 necessary.

I hereby attest that the foregoing information is true and correct.

Willie McClusky _____
 Election Authority (printed)

Willie McClusky
 Election Authority (signature)

Saline _____
 Election Authority Jurisdiction

11-22-2010 _____
 Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>62</u>
Overseas Civilian Voters	<u>30</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>8</u>
Overseas Civilian Voters	<u>2</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

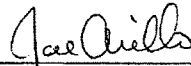
Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Joe Aiello, Sangamon County Clerk

Election Authority (printed)



Election Authority (signature)

Sangamon County

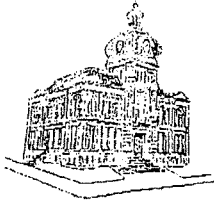
Election Authority Jurisdiction

11/23/10

Date

785

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 28 of 91 PageID #:616
11/22/2010 13:56 2177425853 JONI PAGE 01



Barbara McDade
Scott County Clerk

Office: Scott County Courthouse
Winchester, TN 37394

FAX COVER SHEET

DATE: 11/22/10

TO: Cris

FAX NO: 217-524-5574

FROM: Barb

FAX NO. 217-742-5853

PHONE NO. 217-742-3176

NUMBER OF PAGES INCLUDING THIS SHEET: 3

COMMENTS: _____

This message may contain certain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>1</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Barbara J. McDade
Election Authority (printed)

Barbara J. McDade
Election Authority (signature)

Scott County
Election Authority Jurisdiction

11/22/10
Date

KATHY A. LANTZ
SHELBY COUNTY CLERK & RECORDER
301 E. Main Street, PO Box 230
Shelbyville, IL 62565
Telephone: AC (217) 774-4421 – Fax: AC (217) 774-5291
Office Hours: Monday – Friday 8:00 A.M. – 4:00 P.M.

FACSIMILE COVER PAGE

DATE: 11/22/10MESSAGE FROM: Lina / KathyMESSAGE TO: Cristina GrayFAX #: 524-5574Pages faxed, including cover sheet: 3MESSAGE:

Federal Consent Decree Certification
is following.

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>7</u>
Overseas Civilian Voters	<u>4</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Kathy A Lantz
Election Authority (printed)

Kathy A Lantz
Election Authority (signature)

Shelby Co.
Election Authority Jurisdiction

11/22/10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 2

Uniformed Voters within United States 0

Overseas Civilian Voters 0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 0

Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No x

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 35 of 91 PageID #:623
12-08-'10 13:51 FROM-stark cty clerk 3092864039 T-931 P002/002 F-388

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

LINDA K PYELL
Election Authority (printed)

Linda K. Pyell
Election Authority (signature)

STARK COUNTY
Election Authority Jurisdiction

December 8, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 12
Overseas Civilian Voters 2

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 1
Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

N/A

I hereby attest that the foregoing information is true and correct.

Vici R. Otte
Election Authority (printed)

Vici R. Otte
Election Authority (signature)

Stephenson County
Election Authority Jurisdiction

11/22/2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>8</u>
Uniformed Voters within United States	<u>45</u>
Overseas Civilian Voters	<u>21</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Christie A. Webb
Election Authority (printed)

Christie A. Webb
Election Authority (signature)

Tazewell County
Election Authority Jurisdiction

11/30/10
Date

Bobby Toler, Jr.
Union County Clerk and Recorder

309 W. Market St., Room 100
Jonesboro, IL 62952

Phone: 618-833-5711
Fax: 618-833-8712

Fax Cover Sheet

Date: 12/2/2010
Sent To: State Board of Elections
Attention: Cris Cray
Fax Number: 217-524-5574
Number of Pages (including this sheet): 3
Sent By: Bobby Toler, Jr.
Reference: Federal Decree
Additional Notes and Comments: _____

Notice the information contained herein is confidential and is intended to be read only by the persons, company or organization to whom the same is directed and/or addressed. The misuse or unauthorized distribution of this material by any unauthorized person or persons is punishable under penalty of law.

Please call 618-833-5711, if there is any problem with the transmission of this document. Thank you.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 9

Overseas Civilian Voters 0

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 5

Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No ✓

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Bobby Toler Jr.
Election Authority (printed)

Bobby Toler Jr.
Election Authority (signature)

Union County
Election Authority Jurisdiction

December 2, 2010
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>- 0 -</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>- 0 -</u>

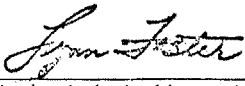
3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Lynn Foster
Election Authority (printed)


Election Authority (signature)

Vermilion
Election Authority Jurisdiction

November 24, 2010
Date

Janet L. Will

Wabash County Clerk & Recorder

P.O. Box 277

Mt. Carmel, IL 62863

618-262-4561 (Phone)

618-263-3751 (Fax)

FAX COVER SHEET

Fax #: 1-217-524-5574

To:

Cris Cray at SBE

From: Janet Will, Wabash County Clerk

Date: 12/10/2010

Number of Pages: 3 including this cover page

COMMENTS: Good Morning, Cris! Here is the survey. Thank you for the wonderful presentation yesterday! So much good information!

Christmas Blessings to you and your family!



Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>2</u>
Uniformed Voters within United States	<u>9</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

JANET L. WILL
Election Authority (printed)

Janet L. Will
Election Authority (signature)

WABASH COUNTY
Election Authority Jurisdiction

12/10/2010
Date

TINA M. CONARD
Warren County Clerk / Recorder
Court House
100 W. Broadway
Monmouth, IL 61462-1787

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters 5
Uniformed Voters within United States 14
Overseas Civilian Voters 3

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters 0
Uniformed Voters within United States 1
Overseas Civilian Voters 1

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Tina M. Conard
Election Authority (printed)

Tina M. Conard
Election Authority (signature)

Warren County
Election Authority Jurisdiction

12/3/10
Date

TINA M. CONARD
Warren County Clerk
County
100 V. 17
MAY 17 2010 1707

TELECOMMUNICATION TRANSMISSION

THOMAS GANZ
WASHINGTON COUNTY CLERK & RECORDER
101 E. ST. LOUIS STREET
NASHVILLE, IL. 62263
(618) 327-4800 ext: 300

TOTAL PAGES: 2 (including cover sheet)

DATE: 11-22-10

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Attn: Chris Gray

FAX: 217-524-5574

COMPANY: _____

CITY: _____

SENDER: Washington County

COMMENTS: Per your request

IF YOU DO NOT RECEIVE THE FULL TRANSMISSION, PLEASE CALL (618)
327-4800 EXT. 300. OUR FAX NUMBER IS (618) 327-3582

66 806 868

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>14</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Thomas Ganz
Election Authority (printed)

Thomas Ganz
Election Authority (signature)

Washington County
Election Authority Jurisdiction

11-22-2010
Date

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 53 of 91 PageID #:641
 NOV-29-2010 10:23 FROM: WAYNE COUNTY CLERK 618 842 6427 TO: 12177825959 P: 1/3

WAYNE COUNTY CLERK
 P O BOX 187 301 E MAIN ST
 FAIRFIELD, IL 62837
 countyclerk@waynecounty.gov

facsimile transmittal

To: Cris Cray From: Donna Endale
 Fax: 618-842-6427 Date: 11-29-10
 Phone: 618-842-5182 Pages: 3
 Re: UOCAVA Voters CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: Cris
per your request.
Donna E.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 1

Uniformed Voters within United States 1

Overseas Civilian Voters

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States 1

Overseas Civilian Voters

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

One ballot never returned.

I hereby attest that the foregoing information is true and correct.

Donna Endsley
Election Authority (printed)

Donna Endsley
Election Authority (signature)

Wayne County
Election Authority Jurisdiction

11-24-10
Date

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 56 of 91 PageID #:644

NOV-22-2010 08:50AM FROM-

T-391 P 001/003 F-798


**PAULA
DOZIER**

White County Clerk
P.O. Box 339
Carmi, IL 62821
618-382-7211 Ext 1
618-382-2322 Fax

Fax Transmittal Form

To: *Cris*
Company:
Phone Number:
Fax number:
1-217-524-5574

From: *Paula*
White County Clerk
Phone: Fax: 618-382-2332

☐ Urgent
☐ For Review
☐ Please Comment
☐ Please Reply

Date sent: *11/22/10*
Time sent:
Number of pages including cover page: *3*

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>4</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>-0-</u>
Uniformed Voters within United States	<u>-0-</u>
Overseas Civilian Voters	<u>-0-</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Paula Dozier
Election Authority (printed)

Paula Dozier
Election Authority (signature)

White County
Election Authority Jurisdiction

November 22, 2010
Date

Fax Cover



FROM: **DANA NELSON**
WHITESIDE COUNTY CLERK
200 E. Knox Street
Morrison IL 61270
Phone Number: 815-772-5189
Fax Number: 815-772-7673

TO: Cris Cray

FAX NO: 217.524.5574

DATE: 11-19-10

SUBJECT: Federal Decree

NUMBER OF PAGES: 3 (INCLUDES COVER)

Certification
 of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>8</u>
Uniformed Voters within United States	<u>9</u>
Overseas Civilian Voters	<u>4</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ☐ No ☒

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

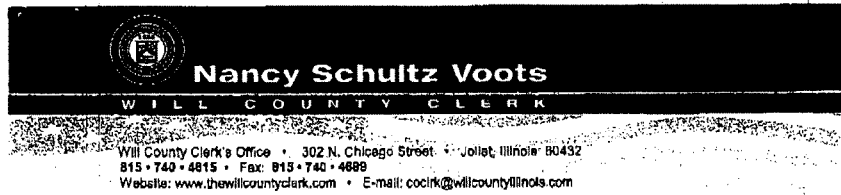
I hereby attest that the foregoing information is true and correct.

Dana Nelson
Election Authority (printed)

Whiteside County
Election Authority Jurisdiction

Dana Nelson
Election Authority (signature)
11-19-2010
Date



**TELEFAX COVER SHEET**

DATE 12-1-10
TIME 3:25

TO: Cris Cray
AT: _____
FROM: Lone Jakaitis

TOTAL NUMBER OF PAGES INCLUDING THIS SHEET 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT
SENDER AT 815/740-4615.

COMMENTS: _____

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**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>19</u>
Uniformed Voters within United States	<u>103</u>
Overseas Civilian Voters	<u>25</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>17</u>
Overseas Civilian Voters	<u>7</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

1 Ballot Missing

I hereby attest that the foregoing information is true and correct.

Nancy Schultz Voots
 Election Authority (printed)


 Election Authority (signature)

Will County
 Election Authority Jurisdiction

December 1, 2010
 Date

SAUNDRA K. JENT
COUNTY CLERK AND RECORDER OF WILLIAMSON COUNTY
407 N. MONROE ST, SUITE 119
MARION, ILLINOIS 62959
PHONE: 618/997-1301 EXT. 102
FAX: 618/993-2071

RECORDING	121	VITAL RECORDS	102
DELINQUENT TAX	126	ELECTIONS	101

FACSIMILE COVER SHEET

DATE: Nov. 23, 2010
TO: Cris Cray FAX NO. 217 524-5574
FROM: Saundra Jent

MESSAGE: _____

You have been sent 3 pages(s), including this cover sheet. In the event that this facsimile is received by you in error, please call the phone number listed above.

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters 9

Uniformed Voters within United States 31

Overseas Civilian Voters 5

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters

Uniformed Voters within United States 5

Overseas Civilian Voters 1

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes ___ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Saundra K. Gent
 Election Authority (printed)

Saundra K. Gent
 Election Authority (signature)

Williamson County
 Election Authority Jurisdiction

Nov. 23, 2010
 Date

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 68 of 91 PageID #:656

FROM : WINNECO ELECTION TAX OFFICE

FAX NO. : 815-368-1974

Dec. 02 2010 02:25PM P1 3

**WINNEBAGO COUNTY CLERK**

MARGIE M. MULLINS

404 ELM STREET • ROOM 101 • ROCKFORD, ILLINOIS
404 ELM STREET • ROCKFORD, IL 61101 • ADMINISTRATIVE RECORDS 815/319-4250
ELECTIONS 815/319-4251 • FAX 815/319-4251

• FAX 815/319-4251 •

FAX TRANSMISSION COVER SHEET# PAGES INCLUDING COVER SHEET
(IF YOU DO NOT RECEIVE ALL OF THE
PAGES, PLEASE CALL) 3DATE: December 2, 2010TO: Cris CrayFAX NUMBER: 217-524-5574FROM: JoAnne AsplundMESSAGE: Certification of UOCAVA VotersPlease call me at 815-319-4257, if you have any questions.Thank youJoAnne Asplund

The information contained in this facsimile message is confidential. It is intended solely for the use of the addressee(s) named above, and may also be legally privileged communications. If you are not the intended recipient, or a person responsible for delivering it thereto, you are hereby notified that any disclosure, copying, dissemination, or distribution of the fax, or the taking of any action in reliance on its contents is strictly prohibited. If you have received this transmission in error, please notify the person whose name appears above, at our expense, so that we may arrange for the immediate return of the original documents to our office.

Thank you.

Winnebago County Mission Statement

It is our mission to provide high quality services and promote a safe community for all people in Winnebago County.



Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 3

Uniformed Voters within United States 6

Overseas Civilian Voters 6

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 0

Uniformed Voters within United States 2

Overseas Civilian Voters 0

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

Case: 1:10-cv-06800 Document #: 20-3 Filed: 12/17/10 Page 70 of 91 PageID #:658

FROM: WINN CO. ELECTION/TAX OFFICE

FAX NO.: 815-969-1974

Dec. 02 2010 02:28PM P3/3

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Margie McMullins
Election Authority (printed)

Margie McMullins
Election Authority (signature)

Winnebago County
Election Authority Jurisdiction

Dec 2, 10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 1 + 0 Move = 1

Uniformed Voters within United States 5 + 1 Move = 6

Overseas Civilian Voters 9 + 2 Move = 11

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters None

Uniformed Voters within United States None

Overseas Civilian Voters 0 + 2 Move = 2

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

Not Applicable in Woodford County.

I hereby attest that the foregoing information is true and correct.

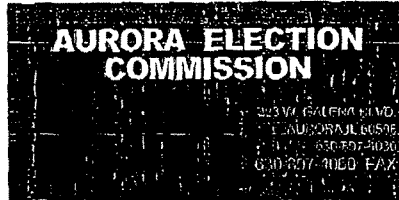
Debbie Harris
Election Authority (printed)

[Signature]
Election Authority (signature)

Woodford County
Election Authority Jurisdiction

11/23/10
Date

Fax



To:	From: Linda Fechner
<u>ESBE - Chris</u>	Executive Director
Fax <u>1-217-782-5959</u>	Pages: (including cover sheet)
Phone:	Date: <u>12-16-2010</u>
Re:	CG1

☐ Urgent
 ☒ For Review
 ☐ Please Comment
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 ☐ Please Recycle

• Comments:

(PLEASE CALL IF ALL PAGES ARE NOT RECEIVED)

CONFIDENTIAL

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THANK YOU

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>4</u>
Uniformed Voters within United States	<u>1722</u>
Overseas Civilian Voters	<u>13</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>4</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

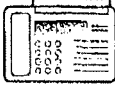
I hereby attest that the foregoing information is true and correct.

Linda M. Fechner
Aurora Election Commission
Election Authority (printed)

[Signature]
Election Authority (signature)

Aurora Election Com.
Election Authority Jurisdiction

12/10/2010
Date

F A X Bloomington Board of Election Commissioners PO Box 2400 Bloomington, IL 61702 309-888-5136, becvote@becvote.org 	To: Cris Cray Fax number: 217.524.5574
	From: Bloomington Board of Elections Fax number: 309-888-5776
	Date: 11/22/2010
	Regarding: Federal Decree
	Phone number for follow-up: 309-888-5136
Comments: Number of pages including cover: 3	

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>104</u>
Uniformed Voters within United States	<u>47</u>
Overseas Civilian Voters	<u>41</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>5</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Paul Shannon
Election Authority (printed)

Paul Shannon
Election Authority (signature)

Glenn County Election Commission
Election Authority Jurisdiction

22 Nov 2010
Date

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters 55

Uniformed Voters within United States 231

Overseas Civilian Voters 1,497

In addition, on November 2, 2010, we received ballots for three (3) Uniformed Overseas Voters, 14 Uniformed Voters within United States, and 102 Overseas Civilian Voters. These ballots were counted.

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters 19

Uniformed Voters within United States 51

Overseas Civilian Voters 344

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

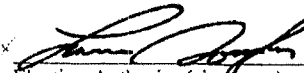
Yes 22 No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

- 1) Thirteen voters did not sign their certifications.
- 2) One voter did not submit a signed application.
- 3) Eight voters' certification signatures did not match their application signatures.

I hereby attest that the foregoing information is true and correct.

CHICAGO BOARD OF ELECTION COMMISSIONERS
Election Authority (printed)


Election Authority (signature)

CITY OF CHICAGO
Election Authority Jurisdiction

11.23.2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>12</u>
Overseas Civilian Voters	<u>7</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>1</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No xx

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

BARBARA L. DRIHER
Election Authority (printed)

Barbara L. Driher
Election Authority (signature)

DANVILLE ELECTION COMMISSION
Election Authority Jurisdiction

DECEMBER 9, 2010
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>1</u>
Overseas Civilian Voters	<u>0</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>0</u>
Overseas Civilian Voters	<u>0</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes No **x**

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

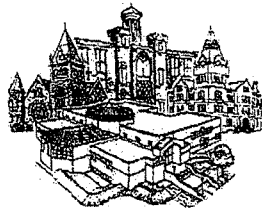
I hereby attest that the foregoing information is true and correct.

JAMES LEWIS
Election Authority (printed)

James Lewis
Election Authority (signature)

EAST ST. LOUIS ELECTION BOARD
Election Authority Jurisdiction

NOVEMBER 24, 2010
Date



CITY OF GALESBURG
Operating Under Council – Manager Government Since 1957

FACSIMILE COVER SHEET

TO:	FROM:
Cris Cray	Lisa M. Watson
COMPANY:	DATE:
SBE	12/10/2010
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
217 / 524-5574	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
/	309/ 342-5563
RE:	YOUR REFERENCE NUMBER:
UOCAVA Certification - Galesburg	

Cris:
Our completed UOCAVA Certification is included in this fax. It was a pleasure to meet you.
Thank you for simplifying the paperwork requirements so we can focus on better serving the
voters in the City of Galesburg.

Lisa

**Certification
of receipt of absentee ballots from UOCAVA Voters**

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters _____

Uniformed Voters within United States _____

Overseas Civilian Voters _____

Our system does not segregate out these voters. Total number of military/overseas absentee ballots received by Nov. 2, 2010 = (14)

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2** but before the close of business on **November 16** and counted in the election:

Uniformed Overseas Voters _____

Uniformed Voters within United States _____

Overseas Civilian Voters (2)

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Lisa M. Watson
Election Authority (printed)

Lisa M. Watson
Election Authority (signature)

Gatesburg Election Commission
Election Authority Jurisdiction

12-10-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction before November 2 and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>9</u>
Overseas Civilian Voters	<u>1</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction after November 2 but before the close of business on November 16 and counted in the election:

Uniformed Overseas Voters	<u>0</u>
Uniformed Voters within United States	<u>3</u>
Overseas Civilian Voters	<u>2</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

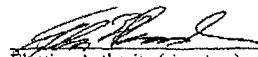
Yes X No

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

We received (2) two FWAB's that
did not have a valid residential
address listed. Both voters were contacted
via email concerning the situation. No
response was received.

I hereby attest that the foregoing information is true and correct.

Thomas Bride
Election Authority (printed)


Election Authority (signature)

Peoria Election Commission
Election Authority Jurisdiction

11-23-10
Date

Certification
of receipt of absentee ballots from UOCAVA Voters

Pursuant to paragraph 10 of the Federal Consent Decree between the U.S. Department of Justice and the State Board of Elections (SBE) entered into on October 22, 2010, the Election Authority is hereby ordered to provide the following information and return the same to the SBE no later than 3PM Friday, December 10.

1. Please record the number of UOCAVA absentee ballots received by your jurisdiction **before November 2** and counted in the election:

Uniformed Overseas Voters	<u>9</u>
Uniformed Voters within United States	<u>25</u>
Overseas Civilian Voters	<u>29</u>

2. Please record the number of UOCAVA absentee ballots received by your jurisdiction **after November 2 but before the close of business on November 16** and counted in the election:

Uniformed Overseas Voters	<u>3</u>
Uniformed Voters within United States	<u>2</u>
Overseas Civilian Voters	<u>5</u>

3. Were any absentee ballots from UOCAVA voters received by your jurisdiction in time to be counted but were not counted?

Yes _____ No X

If "Yes," please explain the reasons why ballots were not counted. Add extra sheets if necessary.

I hereby attest that the foregoing information is true and correct.

Nancy A. Strain
Election Authority (printed)

Nancy A Strain
Election Authority (signature)

Rockford Board of Election Commissioners
Election Authority Jurisdiction

December 6, 2010
Date

**CABOT
MANTANONA LLP**
Edge Building, Second Floor
929 S. Marine Corps Drive
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777
E-mail: mail@cmlaw.us

FILED
DISTRICT COURT OF GUAM

DEC 17 2010

JEANNIE G. QUIRATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA	)	CIVIL CASE NO. 10-00025
)	
Plaintiff,)	
	)	DEFENDANTS GUAM ELECTION
vs.	)	COMMISSION AND JOHN F. BLAS'
	)	REPORT PURSUANT TO COURT
GOVERNMENT OF GUAM, THE	)	ORDER
GUAM ELECTION COMMISSION, and)	
JOHN F. BLAS, its Executive Director,)	
in his official capacity,)	
)	
Defendants.)	

COMES NOW Defendants the Guam Election Commission and John F. Blas, in his capacity as Executive Director (hereinafter referred to collectively as "Defendants"), through undersigned counsel, pursuant to that Court Order filed October 13, 2010, hereby files their required confirmation report concerning the UOCAVA ballots received as of November 15, 2010.

Paragraph Seven of the Court Order states as follows:

The Defendants shall file a report with this Court no later than December 17, 2010 concerning the number of UOCAVA absentee ballots received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters.

ORIGINAL

United States of America v. Government of Guam, et al., Civil Case No. 10-00025
Defendants Guam Election Commission and John F. Blas' Report Pursuant to Court Order
Page 2 of 2

Accordingly, Defendants hereby submit the required information in the table below:

a	The number of absentee ballots from UOCAVA voters received before the close of the polls on November 2, 2010 and counted.	26
b	The number of absentee ballots from UOCAVA voters received and counted after the close of the polls on November 2, 2010 but prior to the close of business on November 15, 2010.	17
c	The number of absentee ballots from UOCAVA voters received later than the close of business on November 15, 2010.	0
d	The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt.	2

Defendants acknowledge that the Court has asked for a further breakdown of information within each category of uniformed overseas voters, uniformed voters within the United States, and civilian overseas voters. Defendants do not yet have those breakdowns, but are looking into whether such information can be ascertained from the ballot envelopes. Defendants shall update the Court of its progress in an amended report to be filed by Monday, December 20, 2010.

Respectfully submitted this 17th day of December, 2010.

CABOT MANTANONA LLP
Attorneys for Defendants The Guam Election
Commission and John F. Blas, in his capacity
as Executive Director

By: _____

RAWLEN M. T. MANTANONA

**CABOT
MANTANONA LLP**
Edge Building, Second Floor
929 S. Marine Corps Drive
Tamuning, Guam 96913
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E-mail: mail@cmlaw.us

FILED
DISTRICT COURT OF GUAM

DEC 21 2010 *JP*

JEANNE G. QUIMATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

UNITED STATES OF AMERICA	)	CIVIL CASE NO. 10-00025
)	
Plaintiff,)	
)	
vs.	)	DEFENDANTS GUAM ELECTION
	)	COMMISSION AND JOHN F. BLAS'
GOVERNMENT OF GUAM, THE	)	AMENDED REPORT PURSUANT
GUAM ELECTION COMMISSION, and	)	TO COURT ORDER
JOHN F. BLAS, its Executive Director,)	
in his official capacity,)	
)	
Defendants.)	

COMES NOW Defendants the Guam Election Commission and John F. Blas, in his capacity as Executive Director (hereinafter referred to collectively as "Defendants"), through undersigned counsel, pursuant to that Court Order filed October 13, 2010, hereby files their required confirmation report concerning the UOCAVA ballots received as of November 15, 2010. This report is amended to include further information that was requested by the Court, namely that the information is categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters.

Paragraph Seven of the Court Order states as follows:

The Defendants shall file a report with this Court no later than December 17, 2010 concerning the number of UOCAVA absentee ballots received and counted for the November 2, 2010 general election for Federal office. The report will set forth the following information, categorized by uniformed services overseas voters, uniformed services voters within the United States, and overseas civilian voters.

Accordingly, Defendants hereby submit the required information in the table below:

ORIGINAL

United States of America v. Government of Guam, et al.
 District Court of Guam Civil Case No. 10-00025
 Defendants Guam Election Commission and John F. Blas'
 Amended Report Pursuant to Court Order
 Page 2 of 2

Item	Description	Uniform Services Overseas Voters	Uniform Services Voters within the U.S.	Overseas Civilian Voters	Undetermined	Total
a	The number of absentee ballots from UOCAVA voters received before the close of the polls on November 2, 2010 and counted.	1	13	6	5	25
b	The number of absentee ballots from UOCAVA voters received and counted after the close of the polls on November 2, 2010 but prior to the close of business on November 15, 2010.	4	7	1	4	16
c	The number of absentee ballots from UOCAVA voters received later than the close of business on November 15, 2010.	0	0	0	0	0
d	The number of absentee ballots from UOCAVA voters that were not counted in the general election for Federal office, for reasons other than late receipt.	0	1	0	1	2

Respectfully submitted this 21st day of December, 2010.

CABOT MANTANONA LLP
 Attorneys for Defendants the Guam
 Guam Election Commission and
 John F. Blas, in his capacity as
 Executive Director

By:



RAWLEN M. T. MANTANONA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-CV-968
v.)	
)	
THE STATE OF NEW MEXICO and)	
NEW MEXICO SECRETARY OF STATE)	
MARY HERRERA, in her official capacity,)	
)	
Defendants.)	
)	
)	

NOTICE OF COMPLIANCE

Defendants, the State of New Mexico and New Mexico Secretary of State Mary Herrera, in her official capacity, hereby submit this report, pursuant to the Consent Decree entered into between the United States of America and Defendants and filed with this Honorable Court on October 12, 2010.

Accordingly, Defendants hereby submit the following information:

BERNALILLO COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	152
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	6
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	2

CATRON COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	1
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

CHAVES COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	17
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	1
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

CIBOLA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

COLFAX COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	5
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	5

Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

CURRY COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	27
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	8
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	11

DEBACA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

DONA ANA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	48
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	2
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	3
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	N/A

EDDY COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	11
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

GRANT COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	3
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

GUADALUPE COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	1
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

HARDING COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0

Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

HIDALGO COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

LEA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	6
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

LINCOLN COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	12
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

LOS ALAMOS COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	19
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	1
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	1
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

LUNA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

MCKINLEY COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	10
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

MORA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0

Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

OTERO COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	50
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	3
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	1
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

QUAY COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

RIO ARRIBA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	3
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	3
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

ROOSEVELT COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November	3
--	---

2, 2010 and tabulated:	
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	1
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

SANDOVAL COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	N/A
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	N/A
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	N/A
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	N/A

SAN JUAN COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	24
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	1

SAN MIGUEL

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0

Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0
---	---

SANTA FE COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	196
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	2
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	4
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	1

SIERRA COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

SOCORRO COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	5
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

TAOS COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	7
---	---

Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	7
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

TORRANCE COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	5
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

UNION COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	0
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

VALENCIA COUNTY


Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	8
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	1

It is noted that despite numerous attempts, Defendant, Secretary of State was unable to confirm the requested information from Sandoval County. Defendant will make continued efforts to obtain this information and will keep Plaintiff apprised of such results. An addendum will be filed upon receipt of completed information.

Date: December 22, 2010

For the Defendants:

GARY K. KING
New Mexico Attorney General



TANIA MAESTAS
Assistant Attorney General
Counsel for Defendant, NM Secretary of State
PO Drawer 1508
Santa Fe, New Mexico 87504-1508
Telephone: (505) 827-6024
Facsimile: (505) 827-6478

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2010, a true and correct copy of the foregoing was mailed to the following counsel of record:

T. CHRISTIAN HERREN JR.
REBECCA WERTZ
RICHARD DELLHEIM
JUSTIN WEINSTEIN-TULL
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. Washington, D.C. 20530
Telephone: (202) 305-0150
Facsimile: (202) 307-3961



TANIA MAESTAS
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-CV-968
v.)	
)	
THE STATE OF NEW MEXICO and)	
NEW MEXICO SECRETARY OF STATE)	
MARY HERRERA, in her official capacity,)	
)	
Defendants.)	
)	
)	

SUPPLEMENTAL NOTICE OF COMPLIANCE

COMES NOW Defendants, by and through Assistant Attorney General, Tania Maestas and herby supplements the Notice of Compliance filed with this Honorable Court on December 22, 2010. Submission is made pursuant to the Consent Decree entered into by all parties on October 12, 2010. Accordingly, Defendants hereby submit the following information:

SANDOVAL COUNTY

Number of UOCAVA absentee ballots received before the close of the polls on November 2, 2010 and tabulated:	11
Number of UOCAVA absentee ballots received and counted by each county after the close of the polls on November 2, 2010, but prior to 7:00 PM on November 6, 2010:	0
Number of UOCAVA absentee ballots received later than the close of business on November 6, 2010:	0
Number of UOCAVA absentee ballots received that were not counted in the general election for reasons other than late receipt:	0

WHEREFORE, Defendants have complied with all terms of the aforementioned Consent Decree and will take all actions necessary to reduce the potential for future Uniformed and Overseas Citizens Absentee Voting Act violations.

Date: January 12, 2011

For the Defendants:

GARY K. KING
New Mexico Attorney General

/s/ Tania Maestas
TANIA MAESTAS
Assistant Attorney General
Counsel for Defendant, NM Secretary of State
PO Drawer 1508
Santa Fe, New Mexico 87504-1508
Telephone: (505) 827-6024
Facsimile: (505) 827-6478

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2011, a true and correct copy of the foregoing was mailed to the following counsel of record:

T. CHRISTIAN HERREN JR.
REBECCA WERTZ
RICHARD DELLHEIM
JUSTIN WEINSTEIN-TULL
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. Washington, D.C. 20530
Telephone: (202) 305-0150
Facsimile: (202) 307-3961

/s/ Tania Maestas
TANIA MAESTAS
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	Case No. 10-CV-968
v.)	
)	
THE STATE OF NEW MEXICO and)	
NEW MEXICO SECRETARY OF STATE)	
MARY HERRERA, in her official capacity,)	
)	
Defendants.)	
)	
)	

SECOND SUPPLEMENTAL NOTICE OF COMPLIANCE

COMES NOW Defendants, by and through Assistant Attorney General, Tania Maestas and herby supplements the Notice of Compliance filed with this Honorable Court on December 22, 2010. Submission is made pursuant to the Consent Decree entered into by all parties on October 12, 2010. Accordingly, Defendants hereby submit the attached three (3) pages of data.

Date: March 23, 2011

For the Defendants:

GARY K. KING
New Mexico Attorney General

/s/ Tania Maestas
TANIA MAESTAS
Assistant Attorney General
Counsel for Defendant, NM Secretary of State
PO Drawer 1508
Santa Fe, New Mexico 87504-1508
Telephone: (505) 827-6024
Facsimile: (505) 827-6478

All Counties reporting zeros in all categories **

UNIFORMED SERVICES OVERSEAS VOTERS				
COUNTY	Number of UOCAVA absentee ballots received before the close of the polls on Nov. 2, 2010 and counted	Number of UOCAVA absentee ballots received and counted after the close of the polls, but prior to 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received later than the 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received that were not counted in the General Election for reasons other than late receipt
BERNALILLO	15	0	0	3
CATRON	1	0	0	0
CHAVES	1	0	0	0
GIBOLA**	0	0	0	0
COLFAX	2	0	0	0
CURRY	6	0	0	0
DE BACA**	0	0	0	0
DONA ANA	4	2	3	0
EDDY	2	0	0	0
GRANT	0	0	0	0
GUADALUPE	0	0	0	0
HARDING**	0	0	0	0
HIDALGO**	0	0	0	0
LEA	1	0	0	0
LINCOLN	2	0	0	0
LOS ALAMOS	0	0	0	0
LUNA	0	0	0	0
MCKINLEY	5	0	0	0
MORA**	0	0	0	0
OTERO	17	0	0	0
QUAY**	0	0	0	0
RIO ARriba	0	0	0	0
ROOSEVELT	0	0	0	0
SAN JUAN	3	0	0	0
SAN MIGUEL**	0	0	0	0
SANDOVAL	5	0	0	0
SANTA FE	7	0	0	0
SIERRA**	0	0	0	0
SOCORRO	0	0	0	0
TAOS	8	7	0	1
TORRANCE	0	0	0	0
UNION **	0	0	0	0
VALENCIA	8	7	0	1
TOTALS	87	16	3	5

UNIFORMED SERVICES VOTERS WITHIN THE UNITED STATES				
COUNTY	Number of UOCAVA absentee ballots received before the close of the polls on Nov. 2, 2010 and counted	ballots received and counted after the close of the polls, but prior to 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received later than the 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received that were not counted in the General Election for reasons other than late receipt
BERNALILLO	55	0	0	0
CATRON	0	0	0	0
CHAVES	9	1	0	0
CIBOLA**	0	0	0	0
COLFAX	0	0	0	0
CURRY	14	0	0	0
DE BACA**	0	0	0	0
DONA ANA	14	0	0	0
EDDY	8	0	0	0
GRANT	1	0	0	0
GUADALUPE	0	0	0	0
HARDING**	0	0	0	0
HIDALGO**	0	0	0	0
LEA	1	0	0	0
LINCOLN	5	0	0	0
LOS ALAMOS	1	0	0	0
LUNA	0	0	0	0
MCKINLEY	0	0	0	0
MORA**	0	0	0	0
OTERO	56	0	0	0
QUAY**	0	0	0	0
RIO ARriba	3	3	0	0
ROOSEVELT	0	0	1	0
SAN JUAN	9	0	0	1
SAN MIGUEL**	0	0	0	0
SANDOVAL	10	0	0	0
SANTA FE	13	0	0	0
SIERRA**	0	0	0	0
SOCORRO	0	0	0	0
TAOS	0	0	0	0
TORRANCE	0	0	0	0
UNION **	0	0	0	0
VALENCIA	0	0	0	0
TOTALS	199	4	1	1

OVERSEAS CITIZEN VOTERS				
COUNTY	Number of UOCAVA absentee ballots received before the close of the polls on Nov. 2, 2010 and counted	Number of UOCAVA absentee ballots received and counted after the close of the polls, but prior to 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received later than the 7:00 p.m. on Nov. 6, 2010	Number of UOCAVA absentee ballots received that were not counted in the General Election for reasons other than late receipt
BERNALILLO	82	0	2	3
CATRON	0	0	0	0
CHAVES	7	0	0	0
CIBOLA**	0	0	0	0
COLFAX	3	0	0	0
CURRY	1	0	0	0
DE BACA**	0	0	0	0
DONA ANA	29	0	0	1
EDDY	11	0	0	0
GRANT	2	0	0	0
GUADALUPE	1	0	0	0
HARDING**	0	0	0	0
HIDALGO**	0	0	0	0
LEA	4	0	0	0
LINCOLN	5	0	0	0
LOS ALAMOS	20	1	1	0
LUNA	0	0	0	0
MCKINLEY	5	0	0	0
MORA**	0	0	0	0
OTERO	0	0	0	0
QUAY**	0	0	0	0
RIO ARriba	0	0	0	0
ROOSEVELT	3	0	0	0
SAN JUAN	15	0	0	0
SAN MIGUEL**	0	0	0	0
SANDOVAL	20	0	0	0
SANTA FE	177	2	4	1
SIERRA**	0	0	0	0
SOCORRO	0	5	0	0
TAOS	1	1	0	0
TORRANCE	5	0	0	0
UNION **	0	0	0	0
VALENCIA	1	1	0	0
TOTALS	392	10	7	5

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2011, a true and correct copy of the foregoing was mailed to the following counsel of record:

T. CHRISTIAN HERREN JR.
REBECCA WERTZ
RICHARD DELLHEIM
JUSTIN WEINSTEIN-TULL
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W. Washington, D.C. 20530
Telephone: (202) 305-0150
Facsimile: (202) 307-3961

/s/ Tania Maestas
TANIA MAESTAS
Assistant Attorney General

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

Congress of the United States

House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1308 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

Mr. David Stafford
Supervisor of Elections
Escambia County Florida
PO Box 12601
Pensacola, FL 32591

Dear Mr. Stafford,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by March 21, 2011**.

1. As a local election official, what parts of the MOVE Act presented the most difficulty?
2. What type of oversight did you conduct on your election officials to ensure that the ballots were sent out on time?
3. Escambia County is widely known to be home to many members of our armed forces. Do you feel like your strong connections to the military at home aided you in ensuring all absentee service members were afforded the right to vote absentee?
4. Florida is home to a great number of military facilities and servicemen and women. What additional improvements can be made to ensure that their right to vote is protected?
5. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

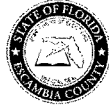
6. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Daniel E. Lungren
Chairman, Committee on House Administration



David H. Stafford
Escambia County Supervisor of Elections

Post Office Box 12601
 Pensacola, Florida 32591-2601
www.EscambiaVotes.com

Phone: (850) 595-3900
 Fax: (850) 595-3914
soe@EscambiaVotes.com

March 21, 2011

The Honorable Daniel E. Lungren
 Chairman, Committee on House Administration
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

Dear Chairman Lungren:

Thank you for the opportunity to testify before the Committee on House Administration on the Military and Overseas Voter Empowerment Act in February. I appreciate the Committee's focus on this important topic, and was honored to have been asked to appear as a witness.

In response to your March 7, 2011, letter asking a series of questions, I offer the following:

1. As a local election official, what parts of the MOVE Act presented the most difficulty?

As mentioned in my testimony, Florida counties had very few changes to make to comply with the MOVE Act. Perhaps the most challenging aspect was the timeline involved in implementing the changes made by the Florida legislature during the 2010 legislative session. Several changes were required to systems and procedures, including the implementation of an "am I registered" and ballot tracking mechanism, which took time to develop, test, and deploy. However, we were able to fully comply with the MOVE Act and State of Florida requirements without much difficulty.

2. What type of oversight did you conduct on your election officials to ensure that the ballots were sent out on time?

As a local election official, I was ultimately responsible for ensuring ballots went out on time through direct, hands-on oversight of my staff.

3. Escambia County is widely known to be home to many members of our armed forces. Do you feel like your strong connections to the military at home aided you in ensuring all absentee service members were afforded the right to vote absentee?

With the large number of UOCAVA voters in Escambia County, we are experienced in dealing with the myriad issues that arise with military and overseas voters. And with the strong military presence here, we also take our responsibility to serve those voters very seriously. We have also developed strong relationships with local military leadership, as well as FVAP and OVF, so we know whom to contact when issues arise.

4. *Florida is home to a great number of military facilities and servicemen and women. What additional improvements can be made to ensure that their right to vote is protected?*

As I mentioned in my testimony, I believe we have made great progress in the transmission of ballots to UOCAVA voters. More needs to be done to facilitate the timely return of voted ballots. We must continue to research new or improved methods for voters to return their voted ballot, while recognizing the need to maintain security throughout the process. Also, we all must focus on informing and educating UOCAVA voters on the many options available to them right now that they may not be aware of. We must also ensure that UOCAVA voters keep their address and absentee requests current with their respective election officials.

5. *A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?*

I believe the LES would be a good method to communicate with military voters, but I am not sure about the feasibility of the above proposal. Incorrect or outdated information can be, in my mind, worse than no information at all. Given the constantly changing nature of voter information and the unique characteristics of individual states and jurisdictions, I believe it would be extremely difficult develop a system to capture all that information and keep it current. As an alternative, informing voters of deadlines and resources through the LES could go a long way toward increasing the awareness of the tools available to UOCAVA voters. Regardless, the FVAP is better suited to deal with UOCAVA issues than the EAC, in my opinion.

6. *Are there expanded roles you would give the EAC/FVAP to ensuring everyone's right to vote is protected and exercised, if they so chose?*

In short, I believe that both the EAC and FVAP currently have a great deal of authority granted to them by Congress to carry out their respective missions.

Thank you again for the chance to participate in this important hearing. Should you have any questions or if can be of any assistance in the future, please let me know.

Sincerely,



David H. Stafford, CERA
Supervisor of Elections

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

Congress of the United States

House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

The Honorable Natalie Tennant
Secretary of State
Building 1, Suite-157K
1900 Kanawha Blvd., E.
Charleston, WV 25305

Dear The Honorable Tennant,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **March 21, 2011**.

1. How many individuals participated in your online voting pilot project?
 - a. What was the cost of the program?
 - b. Do you have plans to expand it in 2012?
2. Did you experience problems with any of your vendors when you moved up the ballot delivery deadline from 42-days to 45-days?
3. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

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House of Representatives
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

4. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink, reading "Daniel E. Lungren". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Daniel E. Lungren
Chairman, Committee on House Administration



Office of the Secretary of State
 Building 1, Suite 137-K
 1900 Kanawha Blvd., East
 Charleston, West Virginia 25305

Natalie E. Tennant
 Secretary of State
 State of West Virginia
 March 17, 2011

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 Toll Free: 1-866-SOS-VOTE
 Fax: (304) 558-0900
 www.wvsos.com

U.S. House of Representatives
 Committee on House Administration
 1309 Longworth House Office Building
 Washington, D.C. 20515

Dear Chairman Lungren:

Thank you again for granting me the honor of testifying during the Committee on House Administration Hearing on the Military and Overseas Voting Empowerment Act on February 15, 2011. I am herein responding to your request for additional information regarding West Virginia's experience implementing the Act.

- Q. How many individuals participated in your online voting pilot project?
- A. Over the course of the 2010 primary and general elections, 202 UOCAVA voters utilized the program to cast a ballot.
- Q. What was the cost of the program?
- A. The state spent \$90,000 on the pilot.
- Q. Do you have plans to expand it in 2012?
- A. In my final report on the online voting pilot to the West Virginia legislature, I recommended the formation of a review committee to study 1) the various voting methods available to UOCAVA voters, 2) emerging technologies and processes, and 3) the relative costs and risks of each. This committee will convene March 31, 2011 for the first of several meetings. I anticipate they will provide recommendations for future action by late summer 2011, which I will then consider for adoption.
- Q. Did you experience problems with any of your vendors when you moved up the ballot delivery deadline from 42-days to 45-days?
- A. The most significant vendor-related issue we encountered concerned the compilation and communication of ballot data. Nearly every West Virginia county uses a single

vendor to produce absentee ballots and to program voting equipment. To support this, each county communicates local ballot data to the vendor, to be combined with state-level data, for programming and printing.

To implement the provisions of the MOVE Act, localities paired with one of the two online voting pilot service providers or with a third electronic-ballot delivery provider. These vendors required the local and state-level ballot data in the possession of the printing/programming vendor in order to produce the ballots for online voting or electronic delivery.

Negotiating the transfer of data from the "printing" vendor to the three electronic ballot service providers proved problematic, at best. This entailed numerous communications, some apparent miscommunications, and discussions about proprietary rights to the ballot data, unfortunately resulting in the electronic ballot service providers employing time-consuming "work-arounds" or scaling back the services to be provided. To eliminate this issue for all future elections, I have proposed state-centralization of ballot-data gathering. This will grant the state greater control over the ballot production process and will prevent any vendor from having undue influence on ballot production or development timelines.

Q. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

A. Utilizing all avenues of communication for UOCAVA voters to improve voter registration/elections outreach is an important goal. Including a reminder on the Leave and Earnings statement would be one more approach to reaching this target audience. However, because of differences in state-level operating systems, providing current and accurate voter-specific data could prove very challenging. The LES document could provide a useful link to the Federal Voting Assistance Program and the Federal Post Card Application. If the LES is provided in an electronic format, hyperlinks could be embedded in the document.

At this time, I do not believe the majority of states are equipped to provide up-to-the-minute information in a standardized format that could be incorporated into an individual's pay statement. Standardization of voter registration data is a concept just now being fully developed.

Q. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so choose?

A. If the EAC remains in place as a federal agency, they would be the obvious choice for a coordinated effort to gather and disseminate voter information and outreach efforts. The FVAP is well-positioned to deal with military voters and their dependents. However, as the pool of voters utilizing certain technologies expands, FVAP's ability to administer the program diminishes (unless additional funding and an expanded scope of work are provided).

Electronic voting methods, even if limited to blank ballot delivery, are attractive options for uniformed service and overseas voters. However, state and local election administrators are exploring other communities that could benefit from this type of program, including voters with disabilities, students, and individuals in a variety of emergency situations. For example, remote electronic voting would have been of great benefit when thousands of voters were scattered across the nation following Hurricane Katrina.

If any agency is given the authority to test or administer a large scale electronic voting project, they must have the ability to apply state-of-the-art security protocols and limit the points-of-failure. States and local jurisdictions have very limited capacity to regulate voting system vendors and their activities. I believe this is an area where the federal government could provide specific utility.

Any federal agency assigned the task of supporting electronic ballot options should also have the capability of launching an outreach campaign designed to educate hard-to-reach American citizen populations around the world. This might be achieved through a public/private partnership with multinational corporations. Though estimates vary widely, I believe there is general consensus that hundreds of thousands of overseas U. S. citizens are not participating in federal, state and local elections. While this may be by choice for some, there are certainly others who simply do not know they are qualified or how to go about the process.

I appreciate being granted the opportunity to present my original testimony and these additional thoughts. I am a strong proponent of ballot access for all qualified citizens and applaud the leadership your committee is providing in this effort. I remain at your disposal should you require any additional information.

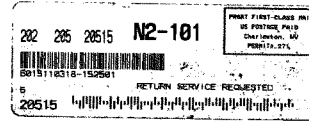
Respectfully,



Natalie E. Tennant
West Virginia Secretary of State



Natalie E. Tennant, Secretary of State
 Building 1, Suite 157-K
 1900 Kanawha Boulevard East
 Charleston, West Virginia 25305



The Honorable Dennis E. Langan
 U.S. House of Representatives
 Committee on House Administration
 1008 Longworth House Office Building
 Washington, D.C. 20545



DANIEL E. LINGREN, CALIFORNIA
CHAIRMAN

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

Mr. Rick Jones
Legislative Director
National Association for Uniformed Services
5535 Hempstead Way
Springfield, VA 22151

Dear Mr. Jones,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by March 21, 2011**.

1. Have more or less service men/women voted because of the MOVE Act? And why? Are there additional improvements that Congress can make to make it earlier to register and vote?
2. What steps can we take to further ensure all uniformed service people abroad are able to cast their vote? Are MOVE and UOCAVA alone sufficient enough?
3. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?
4. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink, reading "Daniel E. Lungren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel E. Lungren
Chairman, Committee on House Administration

COMMITTEE ON HOUSE ADMINISTRATION

Follow-Up Questions to Hearing on Military and Overseas Voting: Effectiveness of the Military and Overseas Voter Empowerment (MOVE) Act in the 2010 Election

Rick Jones,
Co-Chairman, Alliance for Military and Overseas Voting Rights (AMOVR)
Legislative Director, National Association for Uniformed Services (NAUS)

Q1. Have more or less service men/women voted because of the MOVE Act? And why? Are there additional improvements that Congress can make to make it earlier to register and vote?

A1. It is challenging to compare voter turnout in a mid-term election (2010) to a presidential election (2008) as a measure of effective voter participation. However, according to Dr. Clifford Stanley, Under Secretary of Defense for Personnel and Readiness, preliminary analysis of the 2010 election shows military voter registration and voter participation rates continuing to run at higher rates than the general population. Stanley testified March 17 before the House Armed Services Personnel Subcommittee.

At this time, military absentee voting data for the 2010 election has yet to be released and made available for review and analysis. Nevertheless, understanding that the MOVE Act directly addresses the most significant voting problem previously identified (ballots being sent too late for military voters to successfully return them) and requires States to send ballots out at least 45 days before the election and directs the postal system to return overseas military ballots by Express Mail, one should anticipate that the MOVE Act is improving voting opportunity for military voters by giving them more time to receive, complete and return their ballots.

However, given the testimony we heard at the February 15 hearing, I do think we need to reform the enforcement laws for military and overseas voters. I believe it is imperative that Congress pass legislation to ensure that military voters have the right to bring a civil action under the Uniformed and Overseas Citizens Absentee Voting Act to safeguard their right to vote. However, the right of action should be limited solely to suits against election officials, and not to those agencies or individuals providing voting assistance, such as the Department of Defense, military service organizations, or voter advocacy organizations that may assist military and overseas voters.

Clearly, military and overseas voters cannot rely exclusively on the Department of Justice to protect their voting rights. The Department of Justice's record in the 2010 election was haphazard, and its specific enforcement in Illinois and New York was just plain poor.

It is interesting to note that the Voting Rights Act and the National Voter Registration Act both have private rights of action for aggrieved voters, but the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) does not.

Member organizations of the Alliance for Military and Overseas Voting Rights agree that the MOVE Act requirements for civilians to register for "every election" is appropriate. However,

the regulations for re-filing of the Federal Post Card Application (FPCA) under MOVE are burdensome to the States and the absentee voter. Essentially MOVE went from one extreme to the other—whereas, UOCAVA specified once every 4 years, MOVE says for each election within the same year.

With many primaries in January, the law should be modified to allow FPCAs filed from 120 days (4 months September to December) before the end of the calendar year to remain valid for the next calendar year. Specifically, an FPCA filed on Sept. 1, 2011, should be good through all of 2012, a total of 16 months. This change would allow registration actions for the primary through the election. Otherwise, UOCAVA voters in States with early January primaries could be denied their right to cast a ballot.

The law should be crystal clear that FPCAs, FWABs and ballots should not be rejected on the lack of a notary signature. States should specifically be disallowed from "asking" for such signatures. The same should be extended to Witnessing requirements. MOVE only addresses notary requirements not Witness requirements. In 2010, officially no State had a notary requirement. However, there were several States that had witness requirements: AL, AK, LA, NC, SC, VA and WI. MS is going to retire its after 2010. GA, TN, ME, and NV require a witness only if the voter received help. NY "recommends" a witness.

Q2. What steps can we take to further ensure all uniformed service people abroad are able to cast their vote? Are MOVE and UOCAVA alone sufficient enough?

A2. While the MOVE Act made some significant improvements to UOCAVA that assist military and overseas voters in registering and casting a ballot, there is always room for improvement. Clearly one of the most controversial aspects of the Act's implementation is the decision process for State waiver. In that regard, I recommend repealing the MOVE Act's waiver provision. The MOVE Act allowed States to apply for a waiver from the 45-day provision for sending ballots, but of the 12 applications for waiver, only five were approved, and one of these waiver-approvals failed to live up to its waiver requirement. Allowing States to apply for a waiver delays ballots being sent to military voters, and, regardless of how many days after the election a State allows ballots to be returned, it still must be voted and sent back by Election Day. The waiver process simply induces States to maintain its status quo, seek poor alternatives to sending out ballots 45 days prior, and, for more than 70 percent of the waiver applicant States, delays the necessary action for compliance with the MOVE Act.

Also, I recommend amending the Installation Voter Assistance Office provisions of the MOVE Act. Section 583 of the MOVE Act (10 U.S.C. 1566a) requires the individual military services to set up additional voting assistance offices at each installation, to provide voting assistance at numerous career milestones, and also authorizes the Services to designate these offices as voter registration facilities under the National Voter Registration Act (NVRA). This is overkill. NVRA voter registration facility designation requires the installation office to also provide voter assistance to non-military civilian employees and contractors not covered by UOCAVA. It also requires the establishment of a second layer of voting assistance bureaucracy which is not needed – given the already high voter registration rates using only the unit-level voting assistance officers – at an annual cost of \$35 million to \$45 million. The same level of voting assistance called for in the MOVE Act and provided under NVRA (additional voting assistance at

the specified career milestones, as well collecting and sending the registration and absentee ballot applications in for the military voters) can be done at the unit level, and at far less cost.

Q3. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

A3. Frankly, a reminder on a key document sounds like a good idea. It might indeed trigger a ballot's return from a service member who may, without a reminder, be focused on a more pressing mission oriented issues and neglect returning a ballot as time slips by.

It is my understanding, however, that voting assistance messages have already been included on the LES for the past several election cycles. These reminders have helped remind military members and their spouses to register and vote using the FVAP portal.

There are a number of difficulties to consider before pressing a mandate on the Department of Defense to notify the voter whether the voter is registered to vote. To include key voter information beyond a simple reminder would likely be very difficult, very expensive, and unnecessary. State and local election officials actually register voters to vote and hold the voter registration databases. Given that different identifying information is used in the State databases from the military personnel databases, it would be difficult, if not impossible, to cross reference the State voter registration databases to the military personnel databases. In fact, it is very possible that such database integration issues could result in erroneous, contradictory or confusing information for voters.

It should also be pointed out that thirty-seven States and Territories already have online voter registration verification sites, and the FVAP.gov website directs voters to these sites, as well.

One additional suggestion should be made. Unlike the NVRA, which requires election officials to inform voters whether their voter registration application is accepted or rejected, UOCAVA only requires election officials to notify UOCAVA voters if their registration or absentee ballot application is rejected, leaving the voter to question whether their application was even received, let alone accepted. Therefore, it is recommended that Congress amend UOCAVA to require election officials advise all UOCAVA voters of the receipt, acceptance, and/or rejection of their voter registration and absentee ballot application.

Q4. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

A4. I would recommend revisions to the congressionally mandated roles for FVAP, the Services, and the EAC. First, I would recommend FVAP be given greater authority to engage voter and election official stakeholders. In the last 18 months, FVAP has engaged in a robust stakeholder engagement strategy, including the Alliance of Military and Overseas Voting Rights (AMOVR, of which I am co-chair) and numerous election officials. To do so, it has hosted a number of working groups, such as two computer and internet security conferences with election officials, voting system vendors and computer science specialists, as well as special working groups with election officials to determine what online ballot delivery systems would best serve voters and also best integrate with State and local election systems.

To date these efforts seem to be bearing fruit as the number of States providing online ballot delivery systems jumped from eight in 2008 to more than 30 in 2010. However, FVAP is severely limited in its ability to ask these stakeholders to participate in these working groups as current federal law severely limits their ability to pay for the travel and per diem expenses. Given the limited funds of the non-profit organizations advocating for military and overseas voting rights, and the constrained budgets under which State and local governments are operating, it is very unlikely these stakeholders will be able to participate in the numbers FVAP needs if they must pay for this themselves. Given the insight and coordination this provides the Department of Defense as it rolls out these new systems, it appears such engagement meetings actually reduce overall FVAP system costs, but until the Department is given legislative relief from the prohibitions of 31 U.S.C. § 1345 and is given greater authority to use the provisions of 5 U.S.C. § 5703, FVAP's engagement efforts may fall short in achieving the outreach necessary to improve metrics.

Second, I would recommend eliminating the EAC post-election UOCAVA survey. The MOVE Act directed the Department of Defense to define all future data collection and reporting requirements. FVAP already conducts post election surveys of military voters, military spouse voters, voting assistance officers, and local election officials, and does so using widely accepted statistical and survey modeling techniques, adjusting for non-response, demographics, and election jurisdiction size, none of which EAC does in its post-election survey. Because of that, the EAC reports inherently underreports military and overseas voting, and skews the apparent voting behavior to make small jurisdictions appear to have higher voter participation rates, and larger jurisdictions have smaller voter participation rates. With its recent, aggressive enhancements in statistical quality and technology improvements, FVAP surveys now present the best quality surveys in the entire field.

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

Mr. Eric Eversole
Executive Director
Military Voter Protection Project
227 A St. NE
Washington, DC 20002

Dear Mr. Eversole,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by March 21, 2011**.

1. How would you enforce Equal Protections violations arising under the MOVE Act?
2. In your testimony you state that the Justice Department violated the Constitution in working with states to comply with MOVE. Expand on this please. Any solutions? Did you notify the DOJ?
3. You suggest that more must be done to help with absentee military voters and military voters in general. Who do you think is best equipped for this? Local elections boards? States? The federal government? Should these same protections be extended to all Americans? If not, why?
4. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should

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ROBERT A. BRADY, PENNSYLVANIA
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handle the information? Would FVAP be the best place to house such information? The EAC?

5. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Daniel E. Lungren
Chairman, Committee on House Administration

**Response of Eric Eversole to Committee
Questions from the February 15, 2011 Hearing on
“Effectiveness of the MOVE Act in the 2010 Election”**

March 28, 2011

1. How would you enforce Equal Protections violations arising under the MOVE Act?

The Equal Protection clause prohibits a state from debasing or diluting a citizen’s right to vote based on arbitrary and disparate treatment. As the Supreme Court emphasized in *Bush v. Gore*, “having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over another.” 531 U.S. 98, 104 (2000).

Federal courts have applied *Bush v. Gore* in various contexts. For example, in *League of Women Voters v. Brunner*, the 6th Circuit found a potential violation of the equal protection clause when the facts showed that certain counties in the state experienced systemic registration problems, failures to distribute absentee ballots, and misinformation about polling places. 548 F.3d 463, 468 (6th Cir. 2008). Similarly, in *Black v. McGuffage*, a district court in Illinois found a possible equal protection violation in a case where the voting systems in some counties had a disproportionate impact on African American and Latino voters. 209 F. Supp. 2d 889, 899 (N.D. Ill. 2002).

Applying this rationale to military voting cases, the question is whether a state employs a system that treats military voters arbitrarily and disparately—that is, does the different treatment work to debase or dilute a military voter’s right to vote and make it less likely that their vote will be counted.

Both questions could have been answered in the affirmative in Illinois in 2010. As I noted in my written testimony, the settlement agreement negotiated by the Department of Justice with Illinois allowed certain counties in that state to treat military voters disparately and likely led to some military voters being disenfranchised. While most military voters in Illinois had their ballots sent 45 days before the election, thousands of military voters in Illinois (i.e., the ones living in counties that violated the MOVE Act) had their ballots sent 25 to 30 days before the election. Moreover, as a result of the settlement agreement, some voters had 45 days to receive and return their ballots, whereas most military voters in Illinois had 59 days to receive and return their ballots when their counties complied with federal and state law.

As a matter of common sense, there is a significant quantitative difference between providing a military voter with 45 days to receive and return their ballots as compared to 59 days. This

time difference is especially critical for overseas military voters who may need additional time to receive and return their ballot.

There also is a significant qualitative difference between having a service member's ballot sent 25 days before the election as compared to 45 days before the election. Given the fact that absentee ballots can take 30 or more days to reach a service member in a warzone, some of the ballots sent 25 to 30 days before the election did not reach the voter prior to the election. Some of these voters were likely disenfranchised under the settlement agreement—a classic equal protection violation.

Similar problems arose in New York. As was the case in Illinois, the Department settled violations of the MOVE Act by allowing certain counties and the City of New York to mail absentee ballots approximately 25 days before the election. While the settlement agreement attempted to remedy this violation by adding more time after the election, there is a significant likelihood that some of these absentee ballots, especially those traveling to war zones, were not delivered to the military voter prior to the election and, thus, deprived these military voters of their right to vote.

Ultimately, the Department has to be cognizant of the time needed to deliver absentee ballots to war zones and must negotiate remedies that will provide *all* military voters with an opportunity to vote—regardless of whether they are stationed in the United States or in a war zone in Afghanistan or Iraq. The Department of Justice should have required New York and Illinois to send their absentee ballots via express mail delivery, which would have reduced the standard mail delivery time and made it more likely that the military voter would have received his or her ballot. The failure to do so, in my view, debased and diluted the voting rights of our service members and was a violation of their equal protection rights.

2. In your testimony you state that the Justice Department violated the Constitution in working with states to comply with MOVE. Expand on this please. Any solutions? Did you notify DOJ?

In addition to the equal protection violations in New York and Illinois, as discussed above, the Justice Department encouraged several states to violate our service members' fundamental right to vote, as protected by the First and Fourteenth Amendments. In particular, the Department recommended to several states and the District of Columbia that it could "remedy" a MOVE Act violation by depriving our military voters of their right to vote in state races.

That was the case in Maryland in 2010. On July 28, 2010, the Maryland State Board of Elections filed an application with the Federal Voting Assistance Program (FVAP) requesting a waiver

from the requirement to mail absentee ballots 45 days before the election.¹ The State Board's application indicated that the state would mail absentee ballots—ballots that included both federal and state races—no later than 18 days before the November 2010 election. The State Board also stated that it would provide an additional 11 days after the election for ballots to be returned. In other words, the State Board planned to provide military voters with a total of 29 days to receive and return their absentee ballot.

Less than a month after filing the waiver application, the State Board notified the FVAP and the Department of Justice that it wanted to withdraw its waiver application. In this second letter, the State Board stated that it would comply with the MOVE Act by sending absentee ballots containing federal races (U.S. Senator and appropriate U.S. House of Representative) at least 45 days before the election. The ballots for state races would be mailed according to the original plan—that is, 18 days before the election. In other words, Maryland planned to meet the requirements of the MOVE Act by sending federal ballots at least 45 days before the election, but deprive military voters of their rights to receive a state absentee ballot. The letter noted that the State Board's plan had been approved in conversations with FVAP and the Department of Justice.

A federal district court found that the State Board's plan—i.e., the one approved by the Department of Justice—would violate our service members' fundamental right to vote.² In particular, the Court noted that some overseas military voters would not be able to vote in state races because the state failed to provide them with sufficient time to receive and return their absentee ballots.³ As the Court emphasized, “where a state has authorized the use of absentee ballots, any restriction it imposes on the use of those ballots which has the effect of severely burdening a group of voters must be narrowly tailored to further a compelling state interest.”⁴

Maryland was not the only state or territory to receive this advice. The Department of Justice provided similar advice to the District of Columbia and the U.S. Virgin Islands.

¹ Maryland's correspondence to FVAP and the Department of Justice can be accessed at: <http://www.fvap.gov/reference/laws/mdwaiver.html>.

² *Doe v. Walker*, No. 10cv2646, at 13-25 (D.Md. Oct. 29, 2010).

³ *Id.* at 19.

⁴ *Id.* at 23 (citing *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Price v. New York State Bd. of Elections*, 540 F.3d 101 (2d Cir. 2008)).

In my view, the Department of Justice should *never* provide advice to a state that would diminish or deprive a military voter's ability to participate in state elections. Rather, the Department should strive to ensure that military voters, like all other voters protected by the Voting Section of the Civil Rights Division, have a reasonable opportunity to vote in federal and state elections regardless of their location in the world.

3. You suggest that more must be done to help with absentee military voters and military voters in general. Who do you think is best equipped for this? Local election boards? States? The federal government? Should these same protections be extended to all Americans? If not, why?

There is no doubt that we, as a Country, must do more to ensure that our service members are able to vote and have their votes counted on Election Day. We send them to locations throughout the world to protect and, in some cases, die for our rights. Given these sacrifices, we have a special obligation to ensure that our service members are able to vote.

This obligation does not rest with one single entity. Local election officials play an important role in ensuring that ballots are mailed in a timely manner (i.e., at least 45 days before the election) and making sure that registration applications are processed in a timely manner. States have a duty to ensure that state laws comply with the MOVE Act and provide local jurisdictions with the resources needed to succeed. And, the federal government has an obligation, consistent with the MOVE Act and UOCAVA, to educate service members regarding their rights, to maximize their registration opportunities, and to defend their right to vote.

Unlike our service members, most Americans already have many of these protections in place. For example, the National Voter Registration Act provides all Americans with an opportunity to register when they visit their driver's license branch or public assistance agency. Most Americans also enjoy unprecedented access to voter registration opportunities through various non-profit organizations that conduct voter registration drives in large cities and college campuses. Our service members unfortunately do not have these same access rights and, thus, their ability to participate in our electoral process suffers year after year.

In my view, the federal government must do more to maximize our service members' ability to participate in federal elections. While the MOVE Act attempted to address this issue by requiring the Department of Defense to create voter registration offices on each military base, that provision of the MOVE Act was not implemented prior to the 2010 election. We must do better in 2012 to ensure that military voters do not have to sacrifice their right to vote—they already are sacrifices too much.

4. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

Such a program would not be feasible or useful and, quite frankly, would be incredibly expensive to create and maintain. Contrary to the basic premise in the question, many service members do not review their LES—at least not on a frequent basis. While service members use to receive their LES via mail every two weeks, the Defense Finance and Accounting Service (DFAS) no longer mails an LES to service members, but instead requires all service members to review their LES online. Based on my experience, most service members only review their LES when a pay issue arises or when they are trying to determine how much leave they have.

However, even if service members frequently reviewed their LES, it would be immensely difficult to collect and maintain information regarding each service member's registration status and whether they have a valid absentee ballot request on file in each state. First, some federal agency (presumably FVAP) would need to collect registration and absentee ballot data from all 50 states, the District of Columbia, and the United States territories. Second, some agency would then need to determine if the person identified in the state registration database is the same person serving in the military. For example, is John Doe of Florida really Private John Doe who is stationed in Iraq? Since many states do not use social security numbers to identify voters, it would be nearly impossible to verify that John Doe is, in fact, Private John Doe. Third, some agency would need to verify that the registration information is up to date and accurate. Finally, it would take a significant amount of work to maintain the database and account for the frequent moves necessitated by military life.

Ultimately, it is my opinion that using the LES to collect and maintain voter registration information for our troops would be incredibly expensive and would fail to yield significant results.

5. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

No. These agencies must do a better job with their current resources. In that regard, FVAP has made significant strides over the last two years by updating their website, making it more user friendly, and providing service members with more tools to register and request absentee ballots. FVAP also has made significant improvement by providing military voters with more timely and accurate information regarding upcoming elections and registration deadlines. While FVAP needs to do more on the registration front (especially with its obligation to create voter registration agencies on military installations, as discussed above), it appears to be on the right track.

The EAC is a different story. Since its creation, the EAC has not demonstrated an ability to accomplish the tasks for which it was created. For example, under the Help America Vote Act of 2002, the EAC has an obligation to collect data regarding the number of absentee ballots sent and received by military and overseas voters and to publish these results in a survey. These surveys, however, have been incomplete (in 2006, for example, the EAC only received responses from 55-60 percent of the jurisdictions) and riddled with inconsistencies. I have no confidence that the EAC has the personnel or the skill sets needed to undertake additional obligations under the MOVE Act.

DANIEL E. LUNGREN, CALIFORNIA
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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

March 7, 2011

Mr. J. Bradley King
Co-Director, Election Division
Indiana Secretary of State
302 West Washington St., Room E 204
Indianapolis, IN 46204

Dear Mr. King,

Thank you for testifying during the February 12, 2011 Committee on House Administration Hearing on the Military and Overseas Voter Empowerment Act. The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **March 21, 2011**.

1. Given the difficulties with vendors in the last election, what steps are you taking to ensure that the same problems don't crop up for the 2012 election cycle?
2. Had the Department of Justice contacted any of your local election officials before you learned of their failure to send out ballots pursuant to the MOVE Act?
3. In your testimony you said Indiana acted promptly in a bi-partisan manner to enact any legislative changes necessary to comply with MOVE. Why do you think Indiana handled the transition seamlessly while other states struggled to comply?
4. Were there any other counties besides St. Joseph County which experienced problems implementing the MOVE Act?
5. What improvements would you recommend Congress consider for improving the voting process for our men and women serving overseas. What about American Civilians living and working abroad?
6. A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote,

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ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?

7. Are there any expanded roles you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so chose?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Daniel E. Lungren
Chairman, Committee on House Administration



STATE OF INDIANA

Charles P. White, Secretary of State

Trent Deckard, Co-Director
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March 21, 2011

The Honorable Daniel E. Lungren, M.C.
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6157

Dear Chairman Lungren:

Thank you for your letter of March 7, in which you conveyed the request of the Committee on House Administration for additional information concerning the implementation of the Military and Overseas Voter Empowerment Act, as discussed in my testimony before the Committee on February 15.

Specifically, you ask:

1. *Given the difficulties with vendors in the last election, what steps are you taking to ensure that the same problems don't crop up for the 2012 election cycle?*

Indiana experienced problems with timely delivery by ballot printers because: (1) the vendors have a direct working relationship with county election officials as their customers (rather than with the State of Indiana); and (2) the printers were not adequately informed about the MOVE requirements (particularly the 45 day ballot transmittal deadline) which impacted their work.

As Co-Director of the Indiana Election Division, I will be proposing educational activities, as well as legislative and administrative initiatives to prevent these problems from occurring again in 2012. These include:

- (1) **Continuing education for county election officials and vendors.** At every gathering of county election officials (which may include many officials who began serving in January 2011 after the initial implementation of MOVE, as well as vendor representatives), the Election Division emphasizes the importance of compliance with MOVE requirements (particularly the 45 day ballot transmittal deadline). Since Indiana law imposes the same 45 day deadline in the municipal elections to be conducted this year, we are beginning the process of educating our newly elected officials about these requirements now, before the onslaught of the 2012 election begins.

- (2) **County reporting of timely ballot delivery.** State law currently requires county election officials to document compliance with another law requiring public testing of voting systems shortly before each election. This reporting requirement is not onerous, and is fulfilled by the county completing a simple one-page form and filing it with the Election Division. The Election Division monitors these public testing reports, and follows up with counties who fail to file. Legislation requiring each county to document the name and contact information of the vendor who provided the absentee ballots; the date of delivery; and any problems that would preclude timely transmittal of the absentee ballots to military and overseas voters would shine a light on any problems being experienced by a county. The state could then act to address the problem as soon as possible and to reduce the chance of disfranchisement of military and overseas voters.
- (3) **Civil Penalties.** Indiana law permits state election officials to impose fines on voting system vendors who “knowingly, recklessly, or negligently... implements or permits the use of a voting system in an election... in violation of [the Indiana election code]...” In one recent case, a voting system vendor was fined approximately \$250,000 for a violation of this statute. Similar provisions for civil penalties could deter ballot printing vendors from neglecting their duty to their county customers, and ultimately to the military and overseas voters who depend on them. A \$10,000 per day (per county) civil penalty would be a reasonable deterrent to negligent performance by a ballot printing vendor.

2. *Had the Department of Justice contacted any of your local election officials before you learned of their failure to send out ballots pursuant to the MOVE Act?*

No, I do not believe so. The Department of Justice communicated with certain local election officials *after* the state surveyed county compliance with MOVE and reported the state’s findings to DOJ, I am not aware of any communications between DOJ and local election officials which occurred before then.

3. *In your testimony you said Indiana acted promptly in a bi-partisan manner to enact any legislative changes necessary to comply with MOVE. Why do you think Indiana handled the transition seamlessly while other states struggled to comply?*

Indiana had several advantages which made complying with MOVE easier than in other states.

First: the scope of Indiana’s legislative changes required to implement MOVE was much narrower than in those states which were required to shift major dates on their election calendars (such as moving a September statewide primary election). Indiana’s May primary date and June state party convention dates (which have not changed since the 1940’s) allowed adequate time to finalize and print general election ballots. Only a few candidate challenge deadlines had to be shifted to accommodate the 45 day ballot deadline under MOVE.

Second: during the last 20 years, the Indiana General Assembly has been able to reach bipartisan agreement on a wide variety of legislative changes to make it easier for military voters to participate in all parts of the election process. These legislative initiatives have included “election day voter registration” for certain recently discharged or transferred military personnel and their families, and an extended deadline (10 days after the general election) to receive timely mailed absentee ballots from overseas voters.

Indiana has strong political parties, and no shortage of disagreement between state legislators regarding election policy issues. But members of both major parties have a long tradition of putting aside their differences to enact legislation to benefit military voters. In the 2010 legislative session, in which the Indiana House was controlled by the Democratic Party, and the Indiana Senate by the Republican Party, the bill to implement MOVE was one of the very few pieces of election legislation which became law, and was described as “must pass” legislation by legislators of both parties.

Indiana’s fairly large *per capita* military population also results in many legislators being personally knowledgeable about the military personnel and their families in their districts, and more likely to be aware when these individuals encounter problems with absentee voting.

Third: Indiana started planning to implement MOVE as soon as the law was enacted and worked closely with local election officials to do so. As soon as MOVE passed, the Indiana Election Division identified the Indiana statutes which would require amendment, and began drafting necessary legislation. The Election Division also began working with county election officials to determine the scope of administrative changes required at the local level.

Indiana, like most states, has a “technology gap” between more and less prosperous counties. In certain counties, the implementation of MOVE required the state to provide the county election office with the county office’s first email service.

Indiana’s efforts were aided by the enthusiasm of county election officials to do everything within the county’s power to assist military and overseas voters. Some counties volunteered to transmit absentee ballots by express courier to ensure their receipt by military voters. Other counties contacted family members of military voters whose absentee ballots had been returned as undeliverable to see if the family had a current mailing address so that the absentee ballot might still be received by the voter.

These extraordinary efforts by county election officials on behalf of military voters reflected the willingness of the counties to work with the state to successfully implement MOVE throughout Indiana.

4. *Were there any other counties besides St. Joseph County which experienced problems in implementing the MOVE Act?*

Only Fountain County and Huntington County, Indiana.

In Fountain County, ballot printing was delayed by a challenge to a candidate seeking a county-wide office. The challenge was appealed from the county election board to a local court, and as a result of this litigation, the challenge was not resolved in time for the ballots to be printed and delivered on schedule. These problems were aggravated by the serious illness of the circuit court clerk, who was unable to coordinate with her one-person election staff to finalize the ballot proofs. I understand that as a result the transmittal of 2 ballots to UOCAVA voters occurred after the 45 day deadline.

In Huntington County, ballot printing was delayed by election staff shortages. The circuit court clerk reported that certain key members of her small staff were unavailable during the normal ballot preparation and proofing period, and that as a result, the transmittal of 5 absentee ballots for UOCAVA voters were delayed.

In every other county, the circuit court clerk reported that all absentee ballot applications approved for UOCAVA voters had been processed and the absentee ballots transmitted on time. In certain counties with very small populations, the clerk reported that no applications from UOCAVA voters had been received before the 45 day transmittal deadline.

5. *What improvements would you recommend Congress consider for improving the voting process for our men and women serving overseas? What about American Civilians living and working abroad?*

First: the creation of a private right of action for absent uniformed services voters and overseas voters to enforce their rights under MOVE. Although I imagine that in practice such litigation would be rare, it would provide a method for UOCAVA voters to seek relief in those exceptional cases where either statutes or administrative procedures have not been brought up to speed to comply with MOVE, or are administered in a way that frustrates the reasonable efforts of these voters to obtain and cast their ballots.

Second: Direct FVAP to focus on educating military voters about what to expect from the absentee process, and how to problem-solve when things go wrong.

With a 45 day transmittal deadline enacted as part of federal law, FVAP should be getting the word out to military voters that **if the voter has not received an absentee ballot on Day 44, when requested by email or fax, then the voter should be pro-actively contacting the county election office (or the state election office) to ask why the delay has occurred. This prompt inquiry can lead to quick problem-solving. There is little that even the best-intentioned election administrator can do to help when contacted by a military or overseas voter on Election Day itself asking about an undelivered absentee ballot.**

Third: Require that U.S. Passports include a brief statement about how to obtain information about absentee voting while overseas. With regard to American Civilians living and working abroad, one of the recurring problems has been to identify these

voters and to provide them with the information that they need for voting. Although civilians are encouraged to notify U.S. embassies of their presence in other nations, this information has not been useful for reaching overseas voters.

Since American civilians overseas would certainly take their passports with them, either for temporary or extended travel, the passport might provide an easy method to *prompt the voter to seek out information about absentee voting while abroad.*

If every U.S. Passport contained a brief statement such as

*"Want to Vote Absentee while Overseas?
Get Information at www.fvap.gov or call 800-438-8683"*

it would provide American civilians with a permanent, readily accessible source for this information. This language would serve as a reminder whenever the civilian opened the passport, and might be far more effective than more expensive advertising campaigns.

6. *A military member's LES (leave and earnings statement) every month has a variety of information about the member including state of residence. A service member is likely to check this statement every month. This might be a good place to have another block on that form for voting. It could indicate whether or not the member is registered to vote, for which state/district, and if he/she is signed up for permanent absentee ballots or whether he or she needs to meet certain deadlines for requesting and turning back absentee ballots. This could be a way to keep track of military voters and it is also something the member is likely to check often for accuracy, thereby reminding them of their right to vote while being away. Would such a system be feasible and/or useful? Who should handle the information? Would FVAP be the best place to house such information? The EAC?*

The military member's LES would be a great source for providing basic information about the absentee voting process (such as contact information for FVAP), much in the manner that I suggested earlier for U.S. Passports.

However, I do not think it is feasible at this time to continuously gather, update, and disseminate the personalized voter registration information in the manner described in this question.

For example, a military voter (like any other voter) may have both an active registration in one location, and an inactive voter registration record (at an address from college days, for example). If the inactive voter registration record is reclassified as active, or eventually canceled in accordance with the National Voter Registration Act (NVRA), how would the LES reflect that? What if a person with the same or a similar name is registered in both Arkansas and Arizona? Would the keeper of the LES data be required to determine if one, both, or neither of these registrations is for a specific military voter?

Likewise, a voter's "district" (congressional, state legislative, or other local district) can change due to upcoming redistricting, or as part of other processes.

Finally, state laws can also change in a manner that would affect the information that might appear on an LES. Some states do not have permanent absentee voting status for any voters; in other states, the applicable absentee ballot deadlines can change from year to year (due to legislation to implement MOVE, for example).

The expense in gathering this registration and absentee data from all the states and territories, and then continually updating both the individual information and applicable laws would be significant.

For these reasons, I do not believe that the EAC, FVAP, or any other entity would be able, or should, handle the LES information described in this question.

7. *Are there any expanded roles that you would give the EAC/FVAP to ensuring that everyone's right to vote is protected and exercised, if they so choose?*

No, other than the enhanced and focused educational role for FVAP that I discussed in my answer to a previous question.

It was a great privilege to testify before the Committee regarding this matter. I thank you, the Committee members, and Committee staff for your courtesy and hospitality during my visit. With great respect, I am

Sincerely yours,

A handwritten signature in cursive script that reads "J. Bradley King".

J. Bradley King

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Indiana Election Division
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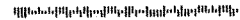


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MOVING FORWARD

2010 OVF POST ELECTION
UOCAVA SURVEY REPORT
AND ANALYSIS

A DETAILED LOOK AT HOW
OVERSEAS AND MILITARY
VOTERS AND ELECTION
OFFICIALS FARED IN THE
2010 ELECTION, WITH
SPECIAL FOCUS ON THE
IMPLEMENTATION OF THE
MILITARY AND OVERSEAS
VOTER EMPOWERMENT ACT

FEBRUARY 2011





Overseas Vote Foundation

Dr. Claire M. Smith, PhD, Research Program Director
Susan Dzieduszycka-Suinat, President & CEO

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Special acknowledgement and appreciation is given to the voters and the local election officials, whose participation made this report possible.

For additional information on Overseas Vote Foundation, please visit
www.overseasvotefoundation.org

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I Executive Summary

Overseas Vote Foundation (OVF) is pleased to release the results of its 2010 Post Election Survey of Military and Overseas Voters and the 2010 Local Election Official Survey.¹ More than 5,000 voters in 140 countries and more than 1,550 local election officials in the US participated in the OVF surveys. These surveys, now in their fourth federal election cycle, provide a unique look into the voting experiences of overseas citizens, and are an unequalled resource in OVF's ongoing mission to help overseas and military Americans register and vote in federal elections.

The results of the 2010 surveys reveal that the impact of the Military and Overseas Voter Empowerment (MOVE) Act passed in October 2009 on voters is still mild.² Nevertheless, the results are encouraging, and we have turned a corner and are now headed in a new direction.

MOVE Act implementation is beginning to show in key areas such as an increase in the percentage of voters receiving ballots in time to vote. The sweeping reforms will need to be completely implemented before their impact is felt to their full potential.

Highlights of the study revealed the following:

- More than four-fifths of voters (82 percent) received the ballot that they requested, which represents a 5 percent improvement over 2008.
- Fewer voters reported receiving their ballots late. 16.5 percent of those voters who indicated that they wanted to participate reported getting their ballot after the middle of October.
 - To summarize, one-third of respondents attempted to vote but could not because they either did not get a ballot or got it too late, a strong improvement over the 50 percent reported in 2008.
- There was an increase in the use of electronic transmission methods of blank ballots. All 50 states provided for the electronic transmission of blank ballots to voters, mainly via email or online download, and two states allowed transmission by fax. Use of electronic transmission was up from 20 states in 2008 and demonstrates a direct response to this MOVE Act mandate.
- The vast majority of voters (80 percent) used some form

of electronic method to complete a registration/ballot request form, and nearly one quarter (23 percent) of voters chose to receive their blank ballots via electronic transmission.

- Voters who used electronic methods to request a ballot were less likely to receive a ballot. Of the 18 percent of voters who did not receive their requested ballots, 22 percent of them used either email or fax to send in a voter registration/ballot request form (unchanged from 2008), whereas only 16 percent of those who used physical postal methods did not get a ballot.
- One fifth (20 percent) of the election officials surveyed reported upgrades to their IT systems and over one third (37 percent) upgraded their website in response to the MOVE Act.
- Despite the fact that all states provided for some electronic blank ballot delivery mechanism, almost one-third (29 percent) of local election officials (LEOs) reported that they were not providing ballots electronically, which indicates that much of the MOVE Act implementation took place on the state level rather than the local level.³ LEOs gave low marks to online ballot delivery and online ballot tracking:
 - Only 13 percent of LEOs indicated that online ballot delivery "worked well"
 - 6.8 percent of LEOs indicated that online ballot tracking "worked well"
- The small 10 to 20 percent of voters who used the online tracking services were slightly more satisfied with the registration process than those who did not. There was no noticeable relationship between the use of tracking mechanisms and satisfaction with the balloting process. Many voters expressed that they would have used the systems if they had been aware of them, pointing to a communication problem.
- Confusion among voters and election officials around registration/ballot request form re-filing requirements continued during this year of transition to full MOVE implementation.
- Although the MOVE Act prohibits states from rejecting ballots that do not have notarization or witnesses, it does not stop states from requesting voters to obtain such signatures on their ballots and thus did not stop voters from dropping out of the voting process when reading instructions to find a notary or witness.

¹ The *Uniformed and Overseas Citizens Absentee Voting Act* is commonly referred to as UOCAVA. UOCAVA voters are U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their family members, and U.S. citizens residing outside the United States. The Act, passed in 1986, provides the legal basis for absentee voting requirements for these citizens.

² The *Military and Overseas Voter Empowerment (MOVE) Act* of 2009 amended UOCAVA and paved the way for modernization in the arena of military and overseas voting in the areas of technology, communications and election administration. The MOVE Act required states to implement nearly all of its provisions in time for 2010's federal elections.

³ "Online (or 'electronic') ballot delivery" refers to the ability of a voter to both go to a website and download a blank ballot, or to receive a ballot as an email attachment or by fax. "Online ballot tracking" refers to the ability of a voter to consult a website service to confirm whether or not his/her ballot has been sent and voted ballot received.

Based on the results of OVF's surveys and our experience supporting overseas and military voters, OVF makes the following recommendations:

1. We emphatically recommend that all states seek long term solutions to comply with the MOVE mandated ballot transmission timeline and avoid the waiver process while providing voters the necessary "time to vote."
2. We call for an early and thorough legislative review of UOCAVA in light of the MOVE Act 2010 implementation with an aim at identifying issues created by the legislative changes. Focus should be directed at amending the law to smooth out newly emerging problems stemming from poorly worded provisions, such as those regarding notarization and ballot request re-filing requirements for civilian voters.
3. We encourage adoption by the states of the proposed Uniform Military and Overseas Voter Act (UMOVA) brought forth by the Uniform Law Commission intended to harmonize UOCAVA implementation for overseas and military voters across all states and territories.
4. We suggest further support of local election officials regarding the implementation of new technology measures including online ballot request, blank ballot delivery and ballot tracking.
5. We recommend that states employ strict privacy and security mechanisms when applying technology to UOCAVA processes to protect the personal identities and votes of all those partaking in the franchise under this law.
6. We strongly encourage growth in communications and outreach by all states to their participating overseas and military voters. Pro-active communications from states to voters, whether online through email and social media or by post, could help to encourage timely participation and improved awareness of new voter services.

The results of the 2010 surveys demonstrate that the passage of the MOVE Act was just the first step in a much longer process of implementation and that more efforts in technical and administrative action will be needed before the UOCAVA voting process is comprehensively improved. The MOVE Act reforms have given sufficient impetus to shift the majority of voters to new electronic methods for voter registration assistance and blank ballot receipt. However, progress is needed to increase the reliability of requested ballots to arrive for voters using these electronic methods. Physical postal methods and express mail remain in place for ballot return. Although voter satisfaction remained high, our report underscores the

need to continue to focus on the fulfillment of MOVE mandates on both the state and local levels, and on increasing communications and outreach with voters.

We look forward to the next election cycle when continued diligence in implementing the provisions of the MOVE Act within every responsible agency, as well as state and local election offices will be underway. With real experience and lessons learned from 2010, efforts can be more focused and bring stronger 2012 results.

Overseas Vote Foundation - 2010 in Review

OVF's reach continued to grow in 2010 with New York State becoming the eighth state to adopt a customized OVF State Hosted System featuring the full complement of integrated voter services to support their transition to MOVE Act compliance. New York's implementation also stands out as the first installation of an integrated Power to MOVE voter registration, information, and ballot delivery solution offered jointly by OVF and Scyt! Secure Electronic

Voting. In addition, a strategic agreement was crafted with BIPAC's nonpartisan services arm, destined to bring OVF's voter services to thousands of multinational corporations that BIPAC supports with tailored election websites.

OVF now maintains seventeen websites offering the complete suite of OVF integrated voter services. These include State Hosted Systems for Alabama, Kentucky, Minnesota, New York, Ohio, Texas, West Virginia and Vermont. The League of Women Voters, FAWCO and Rock the Vote also feature OVF hosted systems for the voters they serve. Exxon Mobil and BIPAC bring OVF services to US employees of major corporations overseas. OVF continues to support our main 'Classic' site, as well as Youth Vote Overseas, Military Voter Services, and a 'Lite' edition for voters in remote areas with low-bandwidth internet access.

The OVF sites were visited by 720,000 website users in 2010. Out of those, 28,000 voters used OVF registration and ballot services in 2010. The top five states in terms of voter usage of OVF registration and ballot services were: Texas, New York, Minnesota, California and Ohio, in order of volume with Texas taking the lead. We thank the Federal Voting Assistance Program (FVAP) for their support in directing voters to their state-specific voter services sites.

OVF also launched several new voter outreach concepts in 2010. We thank the Pew Charitable Trusts for their generous grant in support of development and recruitment of

“The directions regarding my ballot received by email were a little confusing, but I cannot praise my local board enough for responding immediately and clearly to my questions. I felt included, engaged and counted!”

Overseas Voter, Anonymous

the 'Overseas Voter Legislative Action Network,' which is now maintained by the Pew Center of the States. We are also grateful to the Carnegie Corporation of New York for their grant sponsorship which assisted OVF in launching a new outreach strategy, 'Educate.Participate.Connect.', under which the 'Cocktail Party Civics' program was initiated.

2010 Post Election Survey Overview

OVF's 62-question 2010 Post Election Military and Overseas Voter Survey was launched on Election Day, November 2, 2010 and ran through December 31, 2010. 5,257 UOCAVA voters completed the survey, resulting in a 5.5 percent response rate. The survey focused primarily on matters affecting their voting experience and intended to gain both quantitative and qualitative data. This is OVF's fourth post election voter survey.

The 2010 Local Election Official (LEO) survey was sent to 10,712 LEO's in jurisdictions around the US. All 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands were included in the survey distribution. The 55-question LEO survey ran from November 30, 2010 through January 1, 2011. 1,555 LEOs responded, which represents a 14.5 percent response rate. It was the third post election LEO survey that OVF has executed.

About Overseas Vote Foundation

Overseas Vote Foundation (OVF) helps overseas and military voters participate in federal elections. We do this by providing public access to innovative voter registration tools and services. Overseas American citizens, State Department employees, and active duty uniformed service members and their accompanying families within and outside of the United States vote under UOCAVA and can all register to vote from abroad using OVF's services. OVF is not connected in any way with any US government or US military organization. OVF is a 501(c)(3) nonprofit, nonpartisan public charity incorporated in Delaware.

OVF is committed to open dialogue, and aims to nurture constructive discussion on the role and use of technology in UOCAVA voting. OVF believes that, when applied appropriately and transparently, new technologies and the power of the internet can bring UOCAVA forward faster than any other element in the mix of tools. Seventeen customized websites offer millions of visitors access to the complete suite of OVF's internet-based voter services. OVF's research reports can be downloaded from the OVF website: <https://www.overseasvotefoundation.org/initiatives-research>

II Evaluating Implementation of the MOVE Act

The passage of the Military and Overseas Voter Empowerment (MOVE) Act in October 2009 heralded the first major policy change for overseas and military voters in more than a decade, an issue that was brought to the forefront by the Help America Vote Act of 2002. This groundbreaking legislation amended UOCAVA and paved the way for modernization in the arena of military and overseas voting. The key provisions of the MOVE Act targeted:

- technology (voter registration information online, options for electronic delivery of blank ballots, and ballot tracking systems),
- communications (use of email to communicate with voters), and
- election administration (transmission of blank ballots 45 days before Election Day).

The MOVE Act required states to implement these provisions in time for 2010's federal election. States unable to meet the 45-day pre-election ballot transit deadline were required to file a request for a waiver, first consulting with the U.S. Attorney General and with approval provided by the Department of Defense. Throughout the election cycle, OVF monitored implementation, both on the policy and election administration level. As of August 2010, 24 states had passed measures to establish state-level compliance with the MOVE Act, while related legislation failed to pass in Alabama and Wisconsin. By the end of 2010, 32 states had enacted new laws.

With this new law in mind, new questions were added to OVF's Post-Election Survey in order to tap into the experiences of both voters and election officials. This year's post-election research report draws on these survey results, as well as other data that OVF has collected over the past year. The results demonstrate the impressive progress made by many states, while at the same time illuminating the need for states to improve outreach to military and overseas voters in order to improve awareness of the new services available to them.

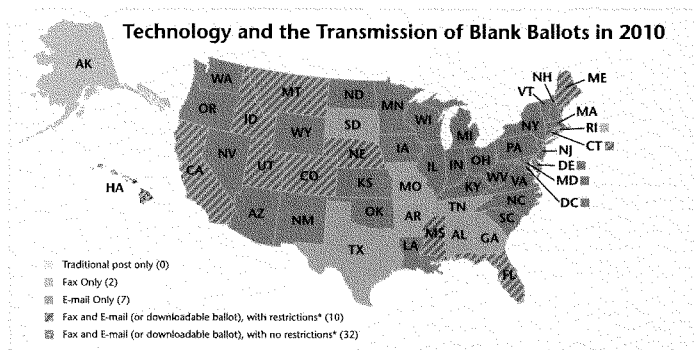
A Requirement: Voter registration applications, absentee ballot applications and blank ballots must be available electronically (Sections 577 and 578)

As a result of Sections 577 and 578 within the MOVE Act, 2010 was an important year for technology and elections, especially for military and overseas voters. Several states were creative in their interpretation of the mandate to make blank ballots available electronically. The FVAP quickly put in place a new program that helped approximately twenty states launch new tools for online ballot

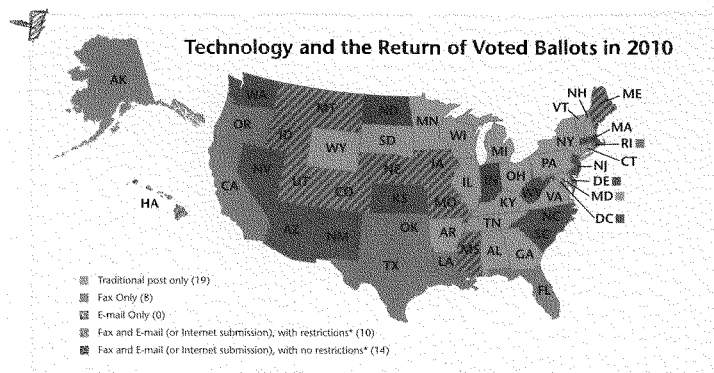
delivery and tracking. Many states, including Minnesota and Texas, improved their existing systems by adding new services to supplement the new technologies they had put in place over the previous election cycle. Separately, new pilots for "Internet Voting" were launched in West Virginia and the District of Columbia, with varied success and hefty doses of controversy.⁴

⁴ The MOVE Act mandated only that states provide voters with an option for online blank ballot delivery. It did not specify or require any form of online voted ballot return.

With all of these differences, what exactly did each state offer overseas and military voters in 2010? The maps below show how the states used technology in the 2010 elections to distribute blank ballots, and in some cases to receive voted ballots. The MOVE Act mandated blank ballot delivery only and there was consistent use of electronic methods to transmit blank ballots. In contrast, states relied mainly on postal and express mail solutions for ballot return rather than making broad use of the Internet as the medium to receive voted ballots.



**Some states only allow certain segments of the population to use fax and email. For example, several states only allow military personnel (and not overseas civilians) to receive a blank ballot via email. In some states, email is not available in all counties or prior approval is required. These states are described as having "restrictions." Other states allow all unrestricted access to blank ballots via email.*



**Some states only allow certain segments of the population to use fax and email to return voted ballots. For example, several states only allow military personnel (and not overseas civilians) to return a voted ballot via email. Other states will only allow the return of a voted ballot via email if it is an emergency situation. These states are described as having "restrictions."*

There was a remarkable increase in the use of electronic transmission methods for delivery of blank ballots. In 2010, all 50 states provided for the transmission of a blank ballot in an electronic form (mainly email or online download). This use was up from 20 states in 2008. Only two states, Alaska and Rhode Island, offered blank ballots via fax as their only electronic delivery method. Several states place restrictions on the use of email. For example, Colorado only allows military voters to receive ballots via email and not overseas civilians.

Table 1 summarizes how voters used electronic methods in 2010. Approximately 80 percent of voters used some form of electronic method (e.g. website) to complete a registration/ballot request form, and nearly one quarter (23 percent) of voters chose to receive their blank ballots via electronic transmission.

These results indicate that advancements were made in using electronic methods to access and complete voter registration forms and receive blank ballots, while traditional post remained the primary method for voter registration and ballot return. Reformers, advocates and legislators alike anticipated that the implementation of such MOVE Act technology provisions would reduce the time needed to register and vote on the front end of the process (i.e. registration and blank ballot delivery).

Election officials seem to have had some reservations with the new ballot delivery procedures. Only 205 (13 percent) of responding Local Election Officials (LEO) reported that their process for handling online ballot delivery to voters "worked well". In fact, 442 jurisdictions (29 percent) reported that they did not even send out blank ballots electronically. Of those jurisdictions that did send ballots electronically, 702 (46 percent) used email, 236 (15.6 percent) used fax and 174 (11.5 percent) provided online ballot download.

TABLE 1: VOTER USE OF ELECTRONIC METHODS IN 2010

	Controlled Survey Responses	Open Survey Responses
Registration		
Completion of Registration/Ballot request form, electronic methods (websites)	88%	77%
Filing Registration/Ballot request form, paper methods	12%	23%
Returning Registration/Ballot request form, electronic methods (email, fax, document upload)	22%	31%
Returning Registration/Ballot request form, physical methods (traditional post or express mail methods)	72%	64%
Balloting		
Receiving Blank Ballot, electronic methods (email, fax or document download)	22%	24%
Receiving Blank Ballot, paper methods (traditional post or express mail methods)	76%	71%
Returning Voted Ballot, electronic methods (email, fax or upload)	9%	12%
Returning Voted Ballot, physical methods (traditional post or express mail methods)	89%	86%

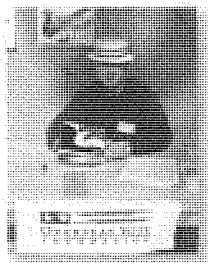
NOTE: Table indicates percentage of responses to the following questions: "Which of the following did you use to complete the registration/request form for the 2010 elections? (check all that apply)" "How did you send in your voter registration/ballot request form?" "How did you receive your official ballot?" "How did you return your completed ballot for the November 2, 2010 General Election?" Controlled survey responses are derived from the invitation only responses from the OVF mailing list. Open survey responses come from the use of an open URL.

B. Requirement: Ballot Tracking Mechanism (Section 580(h))

One of the consistent concerns of voters that we have documented through OVF's Post Election Surveys, is whether or not their ballots have been received and counted. This uncertainty is a deterrent for many individuals overseas and one reason that some eligible voters choose not to vote. Furthermore, overseeing agencies, such as the U.S. Election Assistance Commission (EAC), the FVAP, and Congress have been unable to observe what was actually happening with ballots on the local level. In an attempt to reduce this apprehension among voters and responsible agencies, as well as to provide greater transparency to this heretofore murky process, the MOVE Act requires states to create ballot tracking mechanisms that voters can access to confirm their ballots are received. Regardless of state or jurisdiction, military and overseas voters should be able to check their ballot status online.

Only about 10 percent of LEOs reported offering tracking services to voters on their own local elections website, while 53.4 percent indicated that these services were offered via the State Board of Elections or Secretary of State website. Nearly 16 percent responded that these services were not offered anywhere, despite federal requirements. Similar to the low rating for online ballot delivery, only 102 (or 6.8 percent) LEOs described their system of online ballot tracking as "working well."

In the 2010 Post-Election Voter Survey, OVF first asked voters who sent in a registration form if they had used a tracking system. We then asked all voters if they had used a tracking system to check their registration and/or ballot status. As the survey results in Table 2 demonstrate, few voters took advantage of these systems (between 10 and 20 percent). One of the most common responses among "other" was, "If I had known about it, I would have used it," which clearly points to a communication issue. In fact, those respondents who used the online ballot tracking services were more satisfied with the registration process than those who did not. There was no relationship between the use of tracking mechanisms and satisfaction with the balloting process.



OVF Volunteer Alan Benson at the JFK Friendship Center in Berlin.

TABLE 2: VOTER USE OF BALLOT TRACKING MECHANISMS

	Controlled Survey Responses	Open Survey Responses	Total Responses	Percent
Did you use an online tracking system from your state at any time? (respondents who sent in a registration form)				
Yes	231	32	263	10.04%
No	2209	148	2357	89.96%
Did you consult your state elections website regarding any of the following? (all voters)				
Your registration/ballot request status	898	70	968	18.41%
If your ballot was received and counted	330	27	357	6.79%

Note: Controlled survey responses are derived from the invitation only responses from the OVF mailing list. Open survey responses come from the use of an open URL.

Awareness of these new online tools appears to have been very low during the election, and many states were late in releasing and promoting such services. This demonstrates again that technological advances can only benefit voters when combined with effective outreach, a challenge that OVF has faced from the outset of providing its own online services.

C. Requirement: Designate a Means for Electronic Communication (Section 577)

The 2008 OVF Post-Election Survey report identified email as the dominant source of communication between election officials and voters. The MOVE Act worked to solidify this in 2010 by requiring states to officially establish a means of electronic communication with voters for the request and receipt of registration materials and for providing election and voting information. Despite reduced midterm election turnout, LEOs reported a slight percentage increase in the amount of email traffic in 2010.

Although written communication by mail still remains important (27.3 percent), 850 LEOs (57 percent) reported that email was their most frequent form of communication with voters. Nonetheless, 12 percent of LEO survey respondents reported that they do not communicate with voters by email and 22 percent do not collect the email addresses of those voters who contact them. Among the reasons that LEOs gave for not using email is that they believe it is "not necessary." Because 87 percent of those LEOs that use email indicated that "email works well for us," we view the 12 percent as a dwindling population.

D. Requirement: Single Application for Multiple Elections (Sec. 585)

Section 585 of the MOVE Act removed the requirement that a single registration/ballot request form could serve as a request to receive ballots for two election cycles. This provision was a source of major confusion among voters in 2010. Would requests sent in 2008 be honored in 2010? Should voters re-file a ballot request form? Not surprisingly, the number one question among those who completed the registration process was about re-registration or filing requirements (121 respondents).

Due to the fact that the same form was previously treated as a valid ballot request in many states for four years (two general election cycles), implementation of this requirement was not consistent, leading to confusion among voters and officials. Many states considered 2010 a year of transition to this new provision, and felt compelled to honor the 2008 ballot requests. At the same time, more jurisdictions required a new ballot request form in 2010 than in 2008. When asked about their system for sending ballots to overseas and military voters, 53 percent of election officials reported that overseas and military voters who registered in 2008 received a 2010 ballot without filing a new form, whereas 15 percent required voters to file a new form. However, only 26 percent of voters reported getting a ballot without filing a new form.

The different responses from LEOs and the corresponding confusion from voters further illustrate the uncertainty over the implementation of this part of the MOVE Act. OVF recommends that this provision be amended to be uniform for both military and civilian voters, which, as currently written, it is not. We predict that over time, with similar re-filing requirements across all states, the confusion will dissipate.

E. Requirement: Transmit ballots to voters by 45 days prior to Election Day. If states cannot comply, they must apply for a waiver. (Section 579)

The call for the 45-day window to send blank ballots dates back to the Truman administration. Sixty years later, the MOVE Act finally mandated that this recommendation be implemented by all states. This legislative requirement had an immediate impact. In 2010, 40 states had either legislation in place or created new legislation mandating a 45 day total ballot transit time, up from 28 states in 2008.

Unfortunately, by August 2010 it became clear that not all states would be able to comply with the September 18, 2010 deadline. Ten states, Washington DC and the Virgin Islands applied for waivers. Five waivers were approved (DE, MA, NY, RI, WA), while six were denied (AK, CO, HI, WI, DC and the Virgin Islands). Maryland withdrew its waiver request.

Regardless of the new ballot delivery deadline, about twenty percent of voters received their ballots after the middle of October. Although this is much better than in 2008, when 39 percent received their ballots late, states must continue to make sending out timely ballots a top priority as more than one-third of voters who tried to participate could not because their ballots were late or never arrived.

F. Requirement: Ballots cannot be rejected for what are considered overly burdensome requirements, such as notarization. Expansion of use of the Federal Write-in Absentee Ballot (FWAB) (Sections 581(a) and 582)

The specific conditions for military and overseas voting vary from state to state. Some states have historically required overseas and military voters to have their ballots officially notarized, or witnessed by another American citizen. These cumbersome requirements led to ballot rejections and served as a deterrent to some voters. Even though the MOVE Act prohibits states from rejecting ballots that do not have notarization or witness signatures, 31 respondents did not use their ballots because they could not find a notary or witness. Despite the provision, some states are still requesting these signatures (including Alabama, Alaska, Louisiana, North Carolina and Wisconsin).

The Federal Write-in Absentee Ballot (FWAB) is an alternative, downloadable ballot which voters can use in general elections for the offices of President/Vice President, U.S. Representative, and U.S. Senator, as well as the non-voting congressional representatives from the District of Columbia, Puerto Rico, etc. The FWAB, by federal law, is accepted by all states and territories. One provision of the MOVE Act expands the use of the FWAB to all special, primary, and runoff elections for Federal office. However, this requirement did not go in effect until the end of 2010 and therefore will not be felt until 2012.

“My state did the best job getting the ballot to me in a timely fashion that I have seen in the 34 years I have been living abroad and voting.”

Overseas Voter, Anonymous

Only 47 percent of voter survey respondents were aware of the FWAB in 2010, a finding consistent with survey results in all previous years. The FWAB is a valuable tool for voters who do not receive their ballot in time, but if outreach and awareness do not continue to increase, then the MOVE Act provisions expanding its usefulness in the 2012 elections will be far less effective.

2010 Post Election Military and Overseas Voter Survey Report

In 2010, for the fourth straight general election cycle, OVF sponsored its unique post election survey of overseas and military voters. Launched on Election Day, November 2, 2010, the survey was completed by 5,257 military and overseas voters as of January 1, 2011. The 62-question voter survey focused primarily on issues affecting the respondents' voting experiences. In keeping with new reforms, OVF introduced new questions in order to evaluate the implementation of the MOVE Act. These new questions aspired to uncover whether voters were yet aware of and able to use new technologies such as the electronic delivery of blank ballots and ballot tracking. In the following pages we review the findings of the 2010 voter survey. In addition, a focused analysis of these statistics in reference to the MOVE Act can be found in Section II.

A. Methodology

Two different groups took the online voter survey. The content and form of the survey remained constant across the two groups. The first group consisted of 89,322 individuals who received an online invitation from OVF to complete the survey. These invitations allowed one-time completion of the survey and were auto-disabled after use or if forwarded. This list of individuals was compiled from the OVF mailing list. Of the invited respondents, 4,913 (5.5 percent) completed the survey. In the second distinct group, OVF set up an open URL to the survey for the use of any overseas voter wanting to complete the survey. Of this group, 344 individuals completed the survey without a personalized invitation from OVF. The combined total number of respondents to the voter survey was 5,257. Partially completed surveys were not included in the calculated response rates or analyses. Unless otherwise indicated, the reported results are for the total number of respondents from both groups. Respondents lived across 140 countries and represented voters across all states; however there were no responses from the US territories. A methodology report containing detailed information on question development, sampling, response rates, and the promotion of the open URL, is available upon request.

B. Respondent Profile and Demographics: Who are overseas voters?

As documented below, there were some small variations in response rates from the differing voter types in 2010. Table 1 summarizes the voter types represented in the survey. There was a drop in the number of surveys from voters overseas residing abroad "temporarily," and from those in the military. The 2010 results are similar to those of 2006, which was also a mid-term election. Although there is insufficient time-series data available in order to reach a definitive conclusion, the trend suggests that the overseas voter profile of those who vote in Presidential elections differs from those that vote in mid-term elections. Because of the low response rate from military voters (only 107 respondents), we are unable to draw any conclusions about this specific group of voters.

TABLE 1: VOTER RESPONDENT TYPES

Description	2010	2008	2006
U.S. citizen residing outside of the U.S. Temporarily	14%	23%	14.4%
U.S. citizen residing outside of the U.S. Indefinitely or Permanently	83%	72%	80.9%
Active Duty Military or Spouse or dependent of Active Duty Military	3%	4.8%	1.6%

NOTE: Respondents were asked, "Which of the following best describes you?" This question was not asked in 2004. Figures represent percent of respondents to the question.

As in 2008, the average survey respondent was highly educated, has lived overseas longer than 10 years for personal reasons such as marriage, and describes him/herself as continuing to live overseas "indefinitely." In contrast to 2008 when the average survey participant was over the age of 30, in 2010 the average voter was over the age of 40, with the highest response coming from voters between 50 and 59 years old (26 percent). This coincides with the drop in the number of youth survey participants, as often midterm elections are less compelling to younger voters. Thus, the respondent profile was consistent with past surveys, if somewhat older.

For the first time in 2010, OVF posed a series of socio-demographic questions with an aim at gaining an improved understanding of the overseas voter profile. These questions included race and occupation. The question wording and format duplicated those questions that are used in the American National Election Studies (ANES).

- 85 percent of respondents were Caucasian, 3 percent were African American and 3 percent were Asian.
- Academics (education and research), Retirement, Management, Arts and Entertainment, and Computers and Technology were the top five occupations.

These findings are intriguing. However, given the other changes in the respondent profile from 2008 (that is, the increase in voters overseas “indefinitely” and the decrease in new voters), more time-series data is needed in order to establish trends. For example, the 2010 respondent profile is similar to the 2006 results and thus the socio-demographic responses may be different in a presidential election than in a midterm election.

Voters living in 140 countries were represented in the survey responses; however, respondents in the top 20 countries represented approximately 80 percent of the entire sample. As we can see in Table 2, the top 10 countries remain unchanged from 2008.

TABLE 2: WHERE SURVEY RESPONDENTS LIVE

Country	2010	2008	2006	2004
Canada	16%	14%	25%	26%
United Kingdom	11%	13%	11%	13%
Germany	8%	8%	8%	6%
Israel	7%	5%	2%	3%
France	7%	5%	6%	6%
Australia	4%	4%	5%	5%
Switzerland	4%	4%	3%	5%
Italy	3%	3%	3%	3%
Japan	3%	3%	4%	4%
Netherlands	2%	2%	3%	2%
Mexico	2%	3%	1%	%
China, People's Republic of	2%	3%	1%	1%

NOTE: Respondents were asked, “In which country were you living at the time of the November 2, 2010 General Election.” Figures represent percent of respondents to the question

The percentage of respondents from China decreased slightly. However, we can infer little import from these minor movements. The top countries represented in the OVF Post-Election Survey are similar to those of previous State Department estimates of Americans abroad, and therefore we are confident that we are reaching a wide spectrum of locations.

In contrast, there was a significant change in the reported voting history of survey participants, which is summarized in Table 3. There was a dramatic decline in the number of first time voters from 13.9 percent to 2.2 percent, and a sharp increase in the number of experienced overseas voters from 42 percent to 72 percent. Results parallel those to domestic U.S. voters, and illustrate the clear difference in participation in mid-term vs. presidential elections. In this way, overseas voters are similar to domestic voters. That is, experienced and older voters turnout in higher numbers in mid-term elections, whereas the number of new and younger voters tends to decrease.

TABLE 3: VOTING HISTORY

Possible Responses	2010	2008	2006	2004
First time voting	2.2%	13.9%	4%	25%
Voted before in the US, but never as an overseas voter	8%	33.8%	11%	48%
Voted before, but only as an overseas voter	13.9%	10.3%	18%	3.4%
Voted before in the U.S. and as an overseas voter	72.4%	42.0%	67%	20%

NOTE: Respondents were asked, “What is your voting history?” Figures represent percent of respondents to the question.

Voters who participated in the survey came from all 50 states, with the highest number of respondents coming from California, New York, Texas, Florida and Pennsylvania; unchanged from the 2008 and 2006 results. Although these results are consistent, when we compare the distribution of respondents to the estimated populations of overseas voters by state, Florida is still the most under-represented state in the sample, and New York is the most overrepresented. The New York results may be influenced by New York State’s implementation of an OVF State Hosted System and the Power to MOVE balloting solution in 2010, which drew many new users to the site; and hence new survey respondents. There were no responses from the US territories.

TABLE 4: WHERE VOTERS WERE REGISTERED

State	2010	2008	2006	2004
California	15.3%	14.1%	17%	15.8%
New York	14.6%	12.6%	17%	12.8%
Texas	7.3%	8.6%	5%	4.7%
Florida	4.4%	4.7%	4%	4.1%
Pennsylvania	4.3%	4.1%	5%	4.9%
Illinois	4.2%	3.8%	5%	4.9%
Massachusetts	3.9%	3.7%	4%	4.7%
New Jersey	3.6%	3.7%	3%	3.8%
Ohio	3.6%	3.3%	3%	2.7%
Washington	3.3%	3%	4%	3.6%

NOTE: Respondents were asked, "Your legal voting residence is the state or territory where you last resided in the U.S. The right to vote extends to you even though you may no longer own property or have other ties there. As of the November 2, 2010 election, what state or territory was your legal voting residence?" Figures represent percent of respondents to the question.

In summary, although there was a decrease in the number of new and young voter participants in the survey, these findings are consistent with past years and to the voting experience of domestic US voters. The overall demographic profile of the respondents remained unchanged.

C. Voter Turnout

Creating public policy is a dynamic process and indicators of a previous policy's success are important when looking towards the future. In regards to voting legislation, there are several indicators that can measure a policy's success. Among them are voter satisfaction, registration levels and voter turnout. Voter turnout is the number of eligible individuals who actually vote in a given election. Unfortunately, turnout statistics are not readily available for overseas and military voters, which hinder our ability to evaluate the impact of the MOVE Act from this perspective.

There are two potential sources of data on voter turnout. The first, the actual numbers of ballots cast; which for UOCAVA voters will not be known until the U.S. Election Assistance Commission (EAC) releases its Election Day report in 2011. The second, self-reported voter turnout is documented through surveys.

For the first, time OVF attempted to measure voter turnout with the creation of a new question. Because voter turnout is over reported in surveys (over reporting in voting surveys has been well documented with estimates of 20 percent to 40 percent of survey respondents reporting that they voted when they did not), we carefully considered question wording that would reduce this problem.

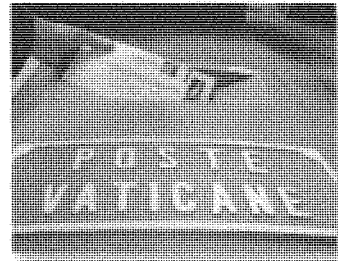
"The voting experience for military and overseas voters requires several steps. (1) A voter must fill-in a form and ask request that their ballot be sent, (2) receive a ballot from the U.S., (3) vote the ballot and (4) mail it back to the U.S. As a result, some people were not able to vote because they were not able to complete all the steps in the process. Thinking carefully for a minute about the election held on November 2, 2010, which of the following statements best describes your experience?"

The results in Table 5 demonstrate that nearly 11 percent of respondents tried to vote but could not complete the process, whereas 12 percent did not try to vote. Many of the survey respondents who indicated "other" reported on the various problems they encountered while voting, such as not receiving a ballot or missing deadlines. Of the 12 percent of individuals who did not try to vote, many listed a "lack of information" as their reason. That is, these voters felt that they did not have enough information about the candidates and races to make an informed decision.

TABLE 5: VOTER TURNOUT

Voted using only my official absentee ballot	62.6%
Voted using the Federal Write-in Absentee Ballot (FWAB)	6.43%
Tried to vote but could not finish the process	10.96%
Did not try to vote	11.87%
Don't remember	0.78%
Other	9.36%

Because these survey responses are primarily from those individuals who are interested and tried to vote (i.e. OVF users), it is impossible to apply this data to the general voting population of overseas and military voters in order to extrapolate an overall voter turnout rate. The percentage of individuals who did not try to vote could indeed be much higher.



One voter mailed his ballot from Vatican City, as the post from the Vatican is faster than the Italian post!

D. Voter Registration Issues

As reported in Table 6, half of all of survey respondents (50 percent) sent in a registration form or ballot request, a much lower level than in 2008 or 2004, but similar to that of 2006. It appears that many voters relied on receiving a ballot without filing a new form (26 percent) in 2010. Previous voting rules required election officials to honor a single voter registration/ballot request form (officially called the Federal Postcard Application, FPCA) as a request to receive absentee ballots through two Federal election cycles (four years). However, this specification in UOCAVA was removed by the MOVE Act in favor of annual re-filing of forms.

In 2012, and especially in 2014, when there will be no overlap of the previous and new laws, special efforts will have to be made to ensure that voters file a new form for each election lest they fall through cracks. OVF strongly encourages a further amendment to this clause in UOCAVA in order to create similar re-filing requirements for military and civilian voters. The MOVE Act specifies one form filing per election year for military voters, while specifying one form filing for each election for overseas civilian electors. When taken literally this means that a civilian overseas voter who has sent in a form to register for a primary election may be without a ballot when it comes to the November general election itself.

TABLE 6: VOTER REGISTRATION/BALLOT REQUEST

Registration	2010	2008	2006	2004
I sent in a voter registration/request form	50.3%	83.9%	66%	88%
I did not send in voter registration/request form	14.9%	4.6%	21%	3%
My ballot arrived without filing a new form	26.1%	7.3%		
I tried, but was unable to complete the process.	3.7%	4.2%	4%	9%

NOTE: Respondents were asked, "The following question concerns the registration and/or ballot request process only, not the actual voting process. The same form is used to register to vote and to request a ballot. Did you file a voter registration/ballot request form for any of the 2010 elections?" "My ballot arrived without filing a new form" was not a response option in the 2006 and 2004 surveys. Figures represent percent of respondents to the question.

In 2008, OVF documented that increasing numbers of voters are using the internet to gain access to voter registration information, tools and services, a trend that continued in 2010. Only 14.7 percent of those who registered or attempted to register used a paper based voter registration form. This result is not surprising as OVF users are over-represented in the sample with 71.9 percent of all survey respondents having used the OVF website to generate and complete a voter registration form. If we examine only the open URL responses, only 23 percent used OVF's registration tools. Among open URL responses there is also an increase in the use of paper based registration (27 percent), state and local election office websites (23 and 16 percent) and the website of the Federal Voting Assistance Program (13 percent).

TABLE 7: TOP REGISTRATION METHODS

	2010		2008	
	Controlled Survey Responses	Open Survey Responses	Controlled Survey Responses	Open Survey Responses
OVF Website	75.6%	22.8%	67.9%	32.9%
Paper Provided by Local Election Office	11.3%	18.3%	6.2%	14.7%
State Website	9.2%	22.8%	5.1%	8.7%
Local election office website	8%	16.4%	2.6%	6.3%
FVAP Website	6.1%	12.7%	5.4%	13.9%

NOTE: Respondents were asked, "Which of the following did you use to complete the registration/request form for the 2010 elections?" "State Website" and "Youth Vote Overseas Website" were not response options in the 2006 and 2004 surveys. "FPCA Form" was not a response option in 2006 and 2008. Figures represent percent of respondents to the question. Controlled survey responses are derived from the invitation only responses from the OVF mailing list. Open survey responses come from the use of an open URL.

The numbers of individuals using electronic methods, such as fax and email, to return their registration/ballot request forms continued to increase in this election cycle, from 18 percent in 2008 to 23 percent in 2010. Traditional post was, however, still the dominant method. This may

indicate a preference among voters or it may also be due to internet limitations in some areas, but it is too early to tell. Our experience is that it takes time for voters to learn about the availability of new services and to shift to new methods. Combined physical delivery methods remain the dominant method and represented 71 percent of registration/ballot request return in 2010.

TABLE 8: METHODS FOR SENDING IN REGISTRATION/BALLOT REQUESTS

Method	2010	2008	2006
Regular Mail	58%	59.9%	73%
Email	10%	5.9%	5%
Email + original by mail	5.5%	3.9%	.
Certified Mail	3.9%	5.5%	7%
FAX + original by mail	2.8%	4.7%	6%
Delivered in person or mailed in the US	2.8%	3.2%	2%
FAX	2.7%	3.7%	.
Military Post	2.2%	2.0%	2%
FedEx, DHL or other commercial courier	1.9%	4.3%	2%
Embassy or Consulate mail pouch	1.4%	2.3%	2%
Express Your Vote (OVF/FedEx)	1%	2.1%	.
Uploaded it to my election office voting system website	1%	.	.

NOTE: Respondents were asked, "How did you send in your voter registration/ballot request form?" In 2004 questions about the method for sending in registration request was combined with questions about ballot return. Figures represent percent of respondents to the question. The response options changed from 2006 to 2008 and again in 2010.

"I have understood for some years that I was not eligible to vote in state/local elections and therefore made no effort. When I received a ballot, I assumed a mistake had been made."

Overseas Voter, Anonymous

As in 2008, how a voter registration/ballot request form was submitted also influenced whether or not a voter received a ballot. Of those voters that used an electronic method to send in a voter registration/ballot request form, 22 percent did not receive a ballot, whereas only 16 percent of those who used physical postal methods did not get a ballot. It appears at this early stage that electronic submission methods are not more certain to bring desired results (i.e. receiving a ballot).

TABLE 9: METHODS FOR SENDING IN REGISTRATION/BALLOT REQUESTS; RECEIPT OF A BALLOT

How did you send in your voter registration/ballot request form?	Did you receive a ballot from your U.S. election office for the November 2, 2010 General Election?		
	Total	Yes	No
Postal Methods	1814	1527	287
		84.18%	15.82%
Electronic methods (fax, email, upload)	607	477	133
		78.58%	21.91%
Sent it to the Federal Voter Assistance Program	6	3	3
		50.00%	50.00%
Delivered in person or mailed in the US	75	63	12
		84.00%	16.00%
Don't know / Don't Remember	63	44	19
		69.84%	30.16%
Other, please specify	78	45	33
		57.69%	42.31%
	2643	2159	484

NOTE: Respondents were asked, "How did you return your voter registration/ballot request form?" "Did you receive a ballot from your U.S. election office for the Nov. 2, 2010 General Election?"

The top reasons that respondents did not send in a voter registration/ballot request form, was that they thought they were still registered or that they missed their deadline (28 and 18.5 percent), which is similar to the 2008 results. Personal feelings are also reasons that voters do not send in their forms; 18 percent "consciously decided not to" send in a form and 22 percent felt the process was "too complicated." These issues are similar to those respondents who indicated that they tried to send in a voter registration/ballot request form, but were unable to complete the process.

Furthermore, as depicted in Table 10, voters remain confused about the registration/ballot request process, and many individuals continue to miss registration deadlines. An additional problem in 2010 was the confusion created by the MOVE Act provision that eliminated the requirement to honor registration/ballot request forms for two election cycles. Many voters did not know if they had to re-file or not. In fact the number one question among those who completed the registration process was about re-registration or filing requirements (121 respondents, or 5 percent of all those who sent in a registration/ballot request form). This was followed only by "misunderstanding if the form was transmitted electronically or on paper (121 respondents; 5 percent) and registration deadlines (107 respondents; 4 percent).

TABLE 10: TOP 5 OBSTACLES TO COMPLETING THE VOTER REGISTRATION PROCESS

Obstacle	2010	2008	2006
I missed the deadline.	29%	36%	27%
Problems with process	31%	34%	
I thought my form was sent online.	19%	20%	
I didn't mail my original form.	16%	16%	
I didn't know who to contact.	13%	13%	17%

NOTE: Respondents were asked, "What prevented you from completing the voter registration/ballot request process? (Check all that apply)." Question was not asked in 2004. Figures represent percent of respondents. Because respondents were allowed to choose more than one response, total percentage may exceed 100.

In general, voters were overwhelmingly satisfied with the registration/ballot request process; 74 percent were either satisfied or very satisfied. In 2010 several new services were available to voters, which may have contributed to their approval of the registration process. Almost 44 percent report receiving a confirmation that their form had been accepted and 10 percent used the online tracking services offered by their state. Those respondents who used the online ballot tracking services reported being "more satisfied" with the registration process than those who did not, which is summarized in Table 11.

TABLE 11: SATISFACTION WITH THE REGISTRATION PROCESS AND USE OF ONLINE TRACKING

How satisfied were you with voter registration/ballot request process for the 2010 elections?	Did you use an online tracking system from your state at any time?	
	Yes	No
Very satisfied	123 47%	888 38%
Satisfied	80 30%	853 36%
Neutral	26 10%	279 12%
Dissatisfied	17 6%	181 8%
Very dissatisfied	17 6%	156 7%
Total	263	2357

NOTE: Respondents were asked, "How satisfied were you with voter registration/ballot request process for the 2010 elections?" and "Did you use an online tracking system from your state at any time?" These results are only from those survey participants who indicated that they sent in a registration/ballot request form.

From the above, we can conclude that voters are continuing to move from using paper methods to electronic methods to complete registration/ballot request forms. However, those voters that use these techniques continue to have problems receiving their ballots. Missed deadlines continue to be the primary reason that most voters cannot complete the registration/ballot request process. Finally, although satisfaction with the registration process was high, voters that used online ballot tracking systems were slightly more satisfied.

E. Ballot Issues

After registration and ballot request, the next step in overseas and military absentee voting is receiving a ballot. In 2010, 81.8 percent of respondents who declared that they wanted to participate in the election received their ballots, while 18.2 percent did not receive their ballots. This is an improvement from 2008, when 22 percent did not get their ballot.

The MOVE Act impacted the how and when voters received their ballots. First, the MOVE Act required that states provide voters with an option for the electronic receipt of blank ballots in order to accelerate the voting process timeline (i.e. the time needed to vote). Although voters primarily used traditional postal methods to receive their blank ballots, over 20 percent used some form of electronic method to receive their ballot. This finding is summarized in Table 12.

TABLE 12: HOW DID YOU RECEIVE YOUR BALLOT?

Method	Percent
By post	75.8%
By email and I printed it	19%
Downloaded the ballot from a website and printed it	2.5%
Other	1.9%
By express mail	1.7%

Note: Respondents were asked, "How did you receive your official ballot?"

In addition, the MOVE Act stipulated that all states must send out their ballots at least 45 days before the election (in 2010 that was September 18). Advocates have supported the 45 day transmission time for almost 60 years, emphasizing that overseas absentee voters who receive ballots two weeks before the election have little time to return them via traditional post. Unfortunately, not all states were able to comply with this regulation and 11 states applied for waivers. Despite these difficulties, as depicted in Table 13, about 20 percent of voters received their ballots after the middle of October. Although this is a great improvement over 2008, when 39 percent received their ballots late, states must continue to make punctual ballot transmission a top priority as

“The sample ballots and official ballots are confusing. A simpler method would be preferable.”
Overseas Voter, Anonymous

over one-third of voters who tried to participate could not because their ballot was late or never arrived.⁵ Fortunately, with the MOVE Act reforms, the trend is now going in the right direction, but there is a still a need for improvement.

TABLE 13: BALLOT RECEIPT

When did you receive your ballot?	2010	2008	2006	2004
September or earlier	31%	18%	36%	22%
1 st half of October	41%	42%	37%	37%
2 nd half of October	15%	28%	20%	29%
Week of the Election	4%	9%	5%	
Election Day	5%	1%	1%	5%
After Election Day	7%	1%		
Don't know / remember	8%	2%		

NOTE: Respondents were asked, "When did your official ballot from your election office for the November 2, 2010 General Election arrive?" In 2004, responses for "Election Day or after" are combined. Figures represent percent of respondents to the question.

Of the 3,790 respondents who reported receiving a ballot, 477 (or 12.6 percent) did not use their ballot. The number one reason voters did not use their ballot was because "it arrived too late" (25 percent). Another reason that voters did not use their ballots was because of witness and notary signature requirements.

Even though the MOVE Act prohibits states from rejecting ballots that do not have notarization or witnesses, some states continue to ask for witness and notary signatures. Because of this, 31 voters did not use their ballots. OVF recommends refinement of this MOVE Act provision to eliminate this confusion. There is little chance that a voter will know that he or she can ignore a requested action such as providing a notary signature; hence this remains a barrier to participation.

⁵ Of the 5,257 responses, 624 indicated that they did not try to vote. Of the 4,633 who did try to vote, 843 did not get a ballot and 765 received their ballot after the second week in October. This reveals a total of 1,608 respondents who attempted to vote but could not because they did not get a ballot or got it too late, which represents 34.7 percent of those who wanted to participate.

Although 80 percent (3,029) of those survey participants who received ballots had no problems with their ballots, several issues emerged. The top problems reported include: receiving the incorrect ballot; receiving a ballot marked "sample"; and the absence of a ballot secrecy envelope. Table 14 illustrates some new types of balloting problems that began to emerge in 2010. These problems are directly related to the increased use of electronic methods to receive blank ballots, such as trouble accessing ballots online or files not being formatted to international paper sizes. Although few survey participants reported these kinds of problems, they are an indication of what is to come and should be given immediate attention at the state level, rather than becoming the "new set" of persistent problems. OVF will continue to monitor these precise problems as the use of electronic methods continues to rise.

TABLE 14: PROBLEMS WITH BALLOTS

Problem	Number of respondents reporting the problem
Ballot secrecy envelope was not included	235
My ballot was marked "sample"	104
My online ballot was not formatted for non-US paper size	94
Affidavit states I currently live in the US	65
My ballot seemed to be incorrect or incomplete	61
I requested a ballot by email but it came by post	57
My ballot did not look official	51

Note: Survey respondents were asked, "Did any of the following apply to your ballot? (check all that apply)"

As was the case in 2008, several respondents also reported problems with their envelopes, the most important of which was: "USA" not being printed on the ballot return envelope or being confused about whether postage was required or not required. OVF encourages the states to look at these avoidable issues and address them wherever possible.

Table 15 demonstrates that the majority of voters sent their ballots back during or after the second half of October. If traditional postal methods take approximately one to two weeks, a ballot must leave the voter at least two weeks before Election Day in order to arrive in the U.S. on time.

However, 41.3 percent were able to return their ballot before the second half of October, which represents a five percent improvement from 2008 and an eight percent increase from 2006. This positive trend indicates that more voters are returning their ballots earlier, which decreases the risk that their ballot will be rejected for arriving too late.

TABLE 15: BALLOT RETURN

When did you return your ballot?	2010	2008	2006
September	9.5%	6%	9%
First half of October	31.8%	30%	24%
Second half of October	39.7%	46%	43%
Week before the Election	13.9%	15%	18%
Election Day	2.3%	2%	3%
After Election Day	.3%	0%	
I don't remember	2.6%	1%	2%

NOTE: Respondents were asked, "When did you return your completed ballot for the November 2, 2010 General Election?"

Similar to 2008 and 2006, some form of physical post was used to return ballots in 85 percent of cases, which can be seen in Table 16. As states expanded the use of fax and email for the return of voted ballots (which was not mandated in the MOVE Act), voters began to utilize these online transmission services. 9.5 percent of survey respondents used either fax or email to return their voted ballot.

“ I voted via e-mail for the first time. Aside from printing the ballot, filling it out, then scanning it, I was happy to have this option. I now know, for the first time, that my vote was counted. I checked! ”

Overseas Voter, Anonymous

TABLE 16: METHODS FOR RETURNING BALLOTS

Method	2010	2008	2006	2004
Regular Mail	71.9%	68%	79%	62%
Certified Mail	5.3%	7%	7%	21%
FedEx, DHL or other commercial courier	2.9%	5%	3%	6%
Embassy or Consulate mail pouch	1.6%	3%	2%	4%
Express Your Vote (OVF/FedEx)	1.4%	3%		
Military Post	2.1%	2%	1%	1%
Fax	4.2%			
Email	4.9%			
Delivered it in person or mailed in the US	3.3%			

NOTE: Respondents were asked, "How did you return your completed ballot for the November 2, 2010 General Election?" In 2004 questions about the method for sending in registration request was combined with questions about ballot return. Figures represent percent of respondents.

Despite deadlines and problems with envelopes, 86 percent of those voters who received a ballot and voted reported being either "very satisfied" or "satisfied" with the process, which is consistent with previous years. Satisfaction with the balloting process is higher than the registration process in 2010. In fact, satisfaction with registration decreased in 2010. This could be attributed to the confusion regarding registration re-filing generated by the MOVE Act, which would have a negative effect on satisfaction.

In summary, we see the influences of the MOVE Act reform trickling down into the voter experience. More and more voters are using electronic methods to receive their blank ballots. As more states comply with the 45 day ballot transit rule, fewer individuals are receiving their ballots late. Although the number of voters who were unable to vote because their ballot arrived late or not at all has decreased, too many individuals are still unable to complete the voting process.

F. FWAB Awareness and Use

The Federal Write-in Absentee Ballot (FWAB) is an alternative, downloadable ballot which voters can use in general elections for the offices of President/Vice President, U.S. Representative, and U.S. Senator, as well as the non-voting congressional representatives from the District of Columbia, Puerto Rico, etc. The FWAB, by federal law, is accepted by all states and territories. One provision of the MOVE Act expands the use of the FWAB to all special, primary, and runoff elections for federal office. This requirement, however, did not go into effect until the end of 2010, specifically, after the election. The first improvements are anticipated for the 2012 elections.

As in previous OVF surveys, all voters were asked questions about the FWAB, both those who did not get a ballot and used the FWAB, as well as those who received a ballot but also used the FWAB. We also tested the level of FWAB awareness. Amongst both groups, those who did not get a ballot and those that did, the majority of respondents were not aware of the FWAB. In total only 47% of survey participants were aware of the FWAB.

TABLE 17: SATISFACTION WITH THE VOTING PROCESS

Satisfaction	2010		2008		2006		2004
	Reg	Ballot	Reg	Ballot	Reg	Ballot	
Very Satisfied	39%	48%	43%	47%	45%	44%	
Satisfied	36%	38%	33%	38%	35%	42%	72%
Neutral	12%	9%	10%	9%	10%	9%	
Dissatisfied	7%	4%	7%	4%	4%	4%	28%
Very dissatisfied	6%	1%	7%	2%	5%	2%	

NOTE: Respondents were asked, "How satisfied were you with the registration aspect / balloting aspect of your November 4, 2008 voting experience?" In 2004 respondents were asked if they were satisfied or dissatisfied with the experience as a whole.

TABLE 18: FWAB AWARENESS

Awareness	2010	2008	2006	2004
Yes	47%	44%	46%	48%
No	53%	56%	54%	52%

NOTE: Respondents were asked, "The Federal Write-in Absentee Ballot (FWAB) is a ballot option for registered voters whose official ballots do not arrive in time. Were you aware of the FWAB?"

The FWAB was used by 610 of the survey participants. Table 19 reveals that the FWAB is used as a last resort by many voters and submitted during the second half of October or later. It appears that voters are mainly using the FWAB after mid-October as the FVAP and OVF advise. However, those who received a ballot and used the FWAB appear to have chosen to use the FWAB earlier, out of concern that their ballot was late.

TABLE 19: WHEN DID YOU RETURN YOUR COMPLETED FWAB?

When	Respondents who used only the FWAB	Respondents who received a ballot and used the FWAB
September	12.1%	20.2%
First half of October	20.5%	20.4%
Second half of October	31.0%	26.4%
Week before the Election	19.5%	7.9%
Election Day	9.0%	1.4%
I don't remember	7.4%	22.9%

NOTE: Respondents were asked, "When did you return your completed FWAB?"

Where did voters get their FWABs? This inquiry uncovered an interesting variation between voters who used a FWAB but did not receive a ballot, and those voters that used the FWAB who also received their state-supplied ballot. Those who did not receive their state-supplied ballot overwhelmingly turned to the internet to seek a remedy. 71 percent downloaded a ballot from the OVF site and 8 percent from the FVAP site. However, 16 percent of those who received a ballot reported also receiving a FWAB from their local election office as a pro-active remedy to late balloting.

The FWAB is a valuable tool when effectively coupled with outreach and awareness actions. If these do not continue to increase, then the MOVE Act provisions expanding its usefulness in the 2012 elections will not be effective.

G. Voter Outreach and Information Sources

Those involved with elections know that it is difficult to engage U.S. voters during midterm congressional elections, and voter participation tends to decline. For overseas and military voters, however, because of the policy and technology innovations in 2010, communications were more important than ever. Unfortunately, although many states implemented new tools and services during 2010, few voters knew about them.

“Although I did not know about the FWAB, using this survey has informed me of its existence and I have now begun the process to vote using this form. I wish I had received my appropriate ballots prior to this.”

Overseas Voter, Anonymous

TABLE 20: SOURCES OF VOTER INFORMATION

Top Voter Websites		
	Controlled Survey Responses	Open Survey Responses
Overseas Vote Foundation	3469 (65%)	86 (25%)
Political Party (any)	430 (8%)	35 (10%)
American Citizens Abroad (ACA)	294 (5%)	54 (16%)
Political Campaign Website (any)	304 (6%)	25 (7%)
League of Women Voters (vote411.org)	124 (2%)	10 (3%)
Facebook groups	82 (1%)	22 (6%)
Top Government Organizations or Websites		
	Controlled Survey Responses	Open Survey Responses
Local Election Office or Website in US	765 (30%)	68 (28%)
Federal Voting Assistance Program (FVAP)	719 (28%)	68 (28%)
State Board of Elections/ Secretary of State	558 (22%)	53 (22%)
US Embassy or Consulate	253 (10%)	18 (7%)
US Department of State	82 (3%)	12 (5%)

NOTE: Respondents were asked, "Which of the following websites did you consult for voting information or assistance? (Check all that apply.)" "Which of the following government organizations or websites did you consult for voting information or assistance? (Check all that apply.)" Cells include the number of individuals who indicated that they used that particular form of information. Because survey respondents could choose more than one response, the total number of responses exceeds the total sample size. Controlled survey responses are derived from the invitation only responses from the OVF mailing list. Open survey responses come from the use of an open URL.

The Overseas Vote Foundation website unsurprisingly emerged as the number one nongovernmental nonpartisan online destination. We can infer that these results are an artifact of the data, i.e. that the OVF email list was used to invite people to take the survey. However, when compared to the open sample, the rankings unexpectedly stay the same. Local election offices or websites were the top governmental source of information to voters. Overall, more survey participants indicated that they went to more nongovernmental websites (5,690 different responses) than to government sources (only 2,801 different responses).

H. Conclusion

In conclusion, the MOVE Act began to have an immediate impact on voters in 2010. However, the results are mixed. For example, although more voters are turning to the internet and electronic methods to complete registration/ballot request forms and to receive their blank ballots, the majority continue to use traditional postal methods to return their voting materials back to the US. The OVF voter survey also revealed several positive developments. The number of individuals who did not receive a ballot or received one too late decreased significantly, voters are sending their ballots back earlier, and overall voter satisfaction remained high. In contrast to these positives, FWAB awareness remained low and not many voters utilized the ballot tracking tools available. These mixed results indicate that there is still much to do in 2012, such as the continued expansion of communications and outreach to voters.

IV 2010 Post Election Local Election Official Survey Report

Following the 2010 general election, OVF conducted its third survey of local election officials (LEOs) amongst U.S. states and territories. The 55-question survey covered a wide variety of overseas and military voting issues. In addition to the questions asked in 2008, the 2010 survey featured many new questions designed to uncover the election officials' experiences in implementing the MOVE Act. A review of general responses, as well as comparisons to previous surveys, is provided in this section. For a more in-depth discussion of the MOVE Act, see Section II.

A. Methodology

Two different groups were invited to take the OVF 2010 Election Official Survey: local election officials (LEOs) and absentee voting clerks, which correlate to the contact data available in the OVF Election Official Directory. Because some election offices have a single official in charge of both positions, there is a certain amount of overlap in the mailing lists. Jurisdictions that received more than one invitation were instructed to take the survey only once. A total of 10,712 email invitations were sent out. The survey was issued through an online survey program that provided a unique one-time use URL link to each participant in the survey. State-level election officials did not receive survey invitations. As in 2008, all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands were included in the survey distribution. The survey was launched on November 30, 2010. A 14.5 percent response rate was achieved as of January 1, 2011, with 1,555 completed surveys submitted. Partially completed surveys were not included in the analysis.

OVF received responses from 48 states and the District of Columbia, with 53 percent of the responses coming from just 10 states. These results are similar to those in 2008. Because of the large number of jurisdictions in Wisconsin (approximately 1,850), it is over represented in the sample. When Wisconsin is removed from the sample, there is a larger dispersion of response rates across the 48 states. Alaska, Hawaii and the US territories are not represented in the results. There were a variety of changes in the top-responding states, such as the increase in the Massachusetts response rates from just one percent in 2008 to 5.5 percent this year. 2010 also brought in more responses from not only Massachusetts, but also Colorado and Iowa than in previous years. The number of responses from Vermont and North Carolina decreased.

TABLE 1: TOP RESPONDING STATES

State	2010	2008
Wisconsin	18%	16%
Texas	6.3%	7%
Massachusetts	5.5%	1%
Connecticut	4.3%	5%
Georgia	4%	3%
Virginia	3.2%	5%
Colorado	3%	3%
Iowa	3%	1%
New Hampshire	3%	2%
Indiana	2.8%	1%

NOTE: Figures represent percent of respondents.

Of these respondents, 90 percent reported that they were either the election official in charge of overseas and military absentee voting in the jurisdiction or one of several officials in charge. Only 39 jurisdictions (2.5 percent) reported that they did not have any military or overseas voters.

B. Numbers: Registration and Ballot Requests

As in 2008, the majority of reporting jurisdictions were small with fewer than 25,000 registered voters. However, the dispersion of respondents across jurisdiction size was greater in 2010 than in 2008, indicating that this year's sample is more representative, which can be seen below in Table 2. Of the surveyed LEOs, 70 percent of respondents have 0 to 24,999 registered voters, 12 percent have 25,000 to 49,999 registered voters, 7.7 percent have 50,000 to 99,999 registered voters, and the remaining 9.6 percent serve more than 100,000 registered voters in their jurisdictions.

TABLE 2: REPORTED JURISDICTION SIZE

	2010	2008
0 to 24,999	70.4%	73%
25,000 to 49,999	12.3%	13%
50,000 to 99,999	7.7%	6%
100,000 to 249,999	6%	5%
250,000 to 499,999	2.4%	2%
500,000 to 999,999	.8%	1%
1,000,000 or more	.4%	0%

NOTE: Respondents were asked "How many registered voters of all types including local voters, domestic absentee voters and overseas and military absentee voters do you estimate were in your jurisdiction for the November 2, 2010 General Election?"

When compared to the 2008 survey results, LEOs reported a general decrease in overseas and military voter participation, the results of which are summarized in Table 3. The majority of LEOs stated that fewer than 100 overseas civilian or military voters in their respective jurisdictions requested ballots in 2010, and 85 percent of LEO survey

respondents (1,282) reported an estimated 0 to 99 ballot requests from military voters in their jurisdiction for the 2010 mid-term election. Another 10 percent indicated 100 to 499 requests, and 2.2 percent estimated 500 to 999 ballot requests. Only 24 jurisdictions estimated that there were more than 1,000 military requests. The data strongly suggests that the majority of local election officials deal with relatively small numbers of military ballots.

The volume of overseas civilian ballot requests was similar to that of military requests. Of the sampled LEOs, approximately 88.5 percent (1,331 respondents) estimated that 0 to 99 civilian voters requested ballots in their jurisdiction for the 2010 mid-term election. Another 7.7 percent estimated that 100 to 499 civilian voters requested ballots in their jurisdictions, and 1.9 percent projected 500 to 999 ballots. Only 22 jurisdictions estimated more than 1,000 civilian ballot requests were processed.

The number of ballot requests was consistent from 2006 to 2008, and LEOs consistently reported seeing an increase in the number of requested ballots. However, this trend reversed in 2010. Although 55 percent reported "no noticeable change" in the number of military ballots requested, 38 percent described a decrease. The results for civilian registrations and ballot requests were similar; 60.7 percent of LEOs reported "no noticeable change" and 34 percent a decrease.

TABLE 3: ESTIMATED BALLOT REQUESTS FROM OVERSEAS CIVILIAN AND MILITARY VOTERS

	Jurisdiction Size					
Total Overseas Civilian Voters	1 to 24,999	25,000 to 49,999	50,000 to 99,999	100,000 to 249,999	More than 250,000	Total
Under 100	1043	166	89	27	6	1331
100-499	14	16	24	50	12	116
500 - 999	0	0	2	11	16	29
Over 1,000	0	0	1	1	20	22
Don't Know	2	3	0	1	0	6
Total Military Voters	1 to 24,999	25,000 to 49,999	50,000 to 99,999	100,000 to 249,999	More than 250,000	Total
Under 100	1038	150	65	25	4	1282
100-499	17	26	45	48	12	148
500 - 999	0	2	3	10	18	33
Over 1,000	0	1	1	6	16	24
Don't Know	4	5	1	1	4	15

NOTE: Data represents number of respondents to the questions, "How many overseas civilian voters / military voters in your jurisdiction do you estimate requested ballots for the 2010 General Election?" There are 1,504 respondents to the civilian question and 1,502 respondents to the military question.

These results indicate that the record level of turnout seen in the 2008 report either stagnated or decreased in 2010. Given that 2010 was a mid-term election, in which participation among all voter groups, domestic included, tends to decline, this result was expected. OVF would suggest that this decrease in participation should not overshadow the trend of rising overseas and military voter participation over the past two election cycles and documented in the 2006 and 2008 reports.

C. LEO Processes for Registration and Balloting

In order to identify UOCAVA electoral processes that are effective and those that need improvement, OVF asked election officials questions regarding the voting process. The first step in the voting process is registration and/or ballot request. Results from OVF's 2010 Post Election Voter Survey (Section III of this report), revealed that many voters had questions about re-filing requirements. The responses of election officials differed from the voters' reported experiences, and are summarized in Table 4.

The majority of election officials (53 percent) reported that overseas and military voters who registered in 2008 received a 2010 ballot without filing a new form, compared with 26 percent of voters who said that they received a ballot without filing a new form. 15 percent of LEOs required voters to file a new form, compared to the 50 percent of voters who sent in a voter registration/ballot request form.

The different responses from LEOs and the corresponding confusion from voters further illustrate the uncertainty over the implementation of the MOVE Act requirement that removes the obligation to honor registration/ballot request forms for two election cycles.

17.8 percent of LEOs said that if a person registered to vote in 2008 and contacted their office in any manner (mail, telephone, fax, and email) a ballot was sent to them. These results represent a departure from 2008 and 2006. In accordance with the MOVE Act, more jurisdictions required a

new ballot request form. As the results indicate, implementation of this particular requirement was not consistent, leading to confusion among voters and election officials.

TABLE 4: REGISTRATION SYSTEM FOR PREVIOUS VOTERS

Registration System	2010	2008	2006
Those who registered in the last election received ballots without filing a new form	52.8%	57%	59%
Those who voted in the last election were required to file a new ballot request	15.1%	6%	5%
If they were registered and contacted us, we sent a ballot	17.8%	20%	17%
We did not have any overseas voters	7.3%	7%	
I don't know	1.9%	4%	2%
Other	5%	6%	16%

NOTE: Respondents were asked, "Which of the following best describes your system for sending ballots to overseas and military voters who registered previously?"

The Federal Post Card Application (FPCA) is the official name given to the federal government's voter registration form used to vote under UOCAVA.

The FPCA functions as a simultaneous voter registration and absentee ballot form. In 2010, 68 percent of election officials reported that most overseas and military voters used the FPCA to register. This represents an eight percent decrease in use of the FPCA as the primary registration form from 2008. This decrease in the use of the FPCA could be attributed to the decrease in voter participation during mid-term elections but also to an increase in online voter registration information being provided to voters.

Each state can vary in its own requirements regarding FPCA completion. This variance in requirements is another source of confusion among voters. In 2010, 126 survey respondents (8.3 percent) indicated that they required some sort of additional state-specific information, beyond

that outlined on the FPCA. Supplemental personal identification remains at the top of the list of additional state imposed conditions for UOCAVA voter registration. It must be noted that the number of actual jurisdictions that require additional information is much higher than the small sample presented here.

“We prefer e-mailing voting contents to the voters overseas... This way the voter can get the contents much quicker than by mail and have more time to send the voted contents back by mail in a timelier manner.”

Election Official, Anonymous

TABLE 5: TOP 5 ADDITIONAL
REGISTRATION REQUIREMENTS

Requirement	2010	2008
Additional Identification	8.3%	11.7%
Date of Birth	7.1%	7.2%
Other	5.2%	4.7%
Additional Address Information	2%	2.8%
Additional Proof of Previous Residency	.01%	1.2%

NOTE: Respondents were asked, "Does your jurisdiction require a voter to submit any information in addition to what is required on the FPCA? (Check all that apply)." Percentages are calculated as the number of respondents divided by the entire sample size. In 2010, the sample size is 1,516 and in 2008 1,019.

The confusion created by filing requirements and additional identification requirements may have contributed to the reports received from 176 voter survey respondents (3.3 percent) that they did not register to vote because they thought the process "seemed too complicated."

D. Problems Voters Face during the Voting Process

The additional state-specific registration requirements imposed upon military and overseas voters are not the only hurdles that they encounter when attempting to participate. Election officials and voters corroborated through their responses that the number one reason for registration form rejection was that the form arrived too late and did not meet the deadline (40.4 percent). The time it takes to complete the process of voting from overseas continues to be the number one challenge voters' face.

OVF asked LEOs to identify the top three reasons for rejecting registration forms. The percentage of election officials indicating that they rejected registration forms decreased slightly from 2008 to 2010; 25.4 percent of election officials reported that they did not reject any applications in 2010, which represents an increase of 3.6 percent from 2008. It does appear that the number of registration rejections decreased in 2010.

TABLE 6: TOP 5 REASONS FOR REJECTING
REGISTRATION FORMS

Reason for Rejection	2010	2008
Missed deadline: form arrives too late	40.4%	48.9%
Form is incomplete	28.2%	35.5%
Signature and/or date is missing	25.9%	28.2%
Can't reach voter when we have questions	11.3%	9.7%
Wrong address	8.3%	9.3%

NOTE: Respondents were asked, "Identify the top three (3) most common reasons for rejecting registration forms and/or ballot requests from overseas and military voters in your jurisdiction? (Please check only your top 3 reasons)" Percentages are calculated as the number of respondents divided by the entire sample size. In 2010, the sample size is 1,516 and in 2008 1,019. Because survey participants were allowed to choose more than one response, total percent may exceed 100.

Another persistent problem identified by election officials was "out-of-date mailing addresses" (39.8 percent of survey respondents). Voter address maintenance issues are a continuing problem for election officials. Another 20.6 percent of survey participants reported that "voters do not notify us when they return to the US." Voters do not often remember that if they change their voting status to overseas or military absentee, it remains that way until they personally take the initiative to change it again.

“Military voters complain they don't get their ballots but they forget - when they move, they need to tell us. Until the FPCA changes this year, we would get 80% military ballots returned 'undeliverable.' ”

Election Official, Anonymous

TABLE 7: INABILITY TO VOTE

Reason could not Vote	2010	2008
Out-of-date mailing address	39.8%	37.9%
Missed registration/ballot request deadlines	33.3%	40.2%
No signature or witness or oath requirement met	20.6%	24.6%
Voters not notifying us when they return to US and we've already sent their ballots	20.6%	17.9%
Incomplete information on the form	20.3%	

NOTE: Respondents were asked, "Identify the top three (3) causes of overseas and military voters' inability to vote in your jurisdiction? (Please check only your top three causes)" Percentages are calculated as the number of respondents divided by the entire sample size. In 2010, the sample size is 1,516 and in 2008 1,019. Because survey participants were allowed to choose more than one response, total percent may exceed 100. "Incomplete information on the form" was not a response option in 2008.

The source of the out-of-date addresses and persistent undeliverable ballot problems is directly related to the UOCAVA requirement that mandated that an FPCA registration/ballot request form be honored for two federal

election cycles (i.e. four years). Overseas, and especially military voters, are extremely mobile and often changed addresses or ended their deployment by the time of the next election. This led to the frustration of election officials when sending ballots that came back marked "undeliverable". The two-election cycle registration validity requirement has been removed by the MOVE Act in favor of renewed registration form filing for each election year (or each election in the case of civilians). We look forward to future surveys to reveal whether election officials continue to report address validity problems with such high intensity in 2012 and 2014.

E. Process Management

In order to gain insight into how local resources are applied to military and overseas voters, OVF asked LEOs a series of questions about their process management. Table 8 reveals that the majority of LEOs have one person dedicated to the management of overseas and military voters. Whereas 53 percent of survey respondents stated that they have just one employee committed to UOCAVA voters, 30.4 percent have two employees, which represents no change from 2008. There has been a decrease in the number of jurisdictions that actually do not "define the process for this task" of overseas and military voter administration. Only 8.5 percent reported that the process is not defined, which is down from 12 percent in 2008. This is a promising indicator as it infers the process management of UOCAVA voting is becoming a higher priority.

TABLE 8: STAFF SIZE BY SIZE OF JURISDICTION

Overseas Voting Staff	Size of Jurisdiction						
	0 to 24,999	25,000 to 49,999	50,000 to 99,999	100,000 to 249,999	250,000 to 499,999	500,000 to 999,999	1,000,000 or more
One person is dedicated to the management of military and overseas voting	600 (42.3%)	89 (6%)	51 (3.4%)	38 (2.6%)	8 (.01%)	3 (0%)	0 (0%)
Two or more persons manage military and overseas voting	235 (15.8%)	83 (5.6%)	55 (3.7%)	42 (2.8%)	26 (1.7%)	8 (.01%)	4 (0%)
The management process for this task is not precisely defined	111 (7.4%)	6 (.01%)	6 (.01%)	3 (0%)	1 (0%)	0 (0%)	0 (0%)
I don't know	9 (.01%)	1 (0%)	0 (0%)	1 (0%)	0 (0%)	0 (0%)	0 (0%)
Other, please specify	94 (6.3%)	6 (.01%)	4 (0%)	4 (0%)	1 (0%)	1 (0%)	0 (0%)
TOTAL	1049	185	116	88	36	12	4

NOTE: Respondents were asked, "How many registered voters of all types including domestic local and absentee and overseas and military absentee do you estimate in your jurisdiction?" "How does your jurisdiction staff the management of overseas and military absentee voting?" The results in this table are based on responses to both questions. The total sample size is 1,490.

“We had just one problem with someone so remote, she could not vote because of her lack of access to post office and printer, and could not e-mail me her vote wishes.”

Election Official, Anonymous

The majority of LEOs felt that their overall UOCAVA voter administration process “works well.” Nevertheless, there does appear to be a slight decrease in satisfaction from 2008 to 2010, from 81 percent to 76 percent. LEOs were most confident in their ability to deal with voter questions and/or problems and their tracking and reporting systems. Under the new MOVE Act, providing for the electronic transmission of blank ballots and online ballot tracking is one of the new responsibilities of election officials. At this early stage, only 13.6 percent felt that their system of online ballot delivery worked well in 2010 and only 6.8 percent said that their system for online ballot tracking worked well.

TABLE 9: WHAT WORKS WELL

	2010	2008	2006
Our overall process works well	75.6%	81%	63%
Ability to deal with voter questions and/or problems	15.5%	16%	28%
Tracking and Reporting systems	13.8%	12%	27%
Voter address maintenance	10.1%	10%	17%
Online ballot delivery	13.6%		

NOTE: Respondents were asked, “What works well in your jurisdiction’s processes for managing overseas and military absentee voting? (Check all that apply.)” Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100.

Although LEOs are, in general, satisfied with their process management, many remain discouraged about the continued problem of undeliverable ballots and voter address maintenance problems. The percentage of respondents that found undeliverable ballots to be a problem remained unchanged from 2008, hovering at 38 percent. In a positive development, the percentage of LEO survey participants that had problems with postal service and voter address maintenance went down slightly from 22 percent in 2008 to 18 percent in 2010.

TABLE 10: WHAT DOES NOT WORK WELL?

	2010	2008	2006
Our overall process does not work well	1%	1%	2%
Undeliverable ballots	37.5%	38%	42%
Postal service or delivery problems	14.4%	23%	
Voter address maintenance	18.3%	22%	44%
I don’t know	18%	22%	
Other	12.6%	14%	12%

NOTE: Respondents were asked, “What does not work well in your jurisdiction’s processes for managing overseas and military voting? (Check all that apply.)” Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100. Response options were different in 2006 and 2008.

The MOVE Act has started to impact the UOCAVA process management of LEOs: 37 percent stated that the MOVE Act affected their work or procedures in 2010, and 20 percent of jurisdictions reported adding new IT support systems to support the reforms initiated by the MOVE Act. However, because the OVF Post Election Survey targets local election officials and not state officials who are also responsible for MOVE Act implementation, we may not be capturing changes made at that level. 8.6 percent of respondents also indicated that they were planning changes. Among those jurisdictions that are planning changes, 45 percent are targeting changes that support MOVE Act requirements, 42 percent training, and 30 percent communications.

F. Training

Training is an essential component of a LEO's ability to keep up with developments in voting legislation and technology. In 2010, 88.5 percent of LEOs reported receiving updates and/or training regarding overseas and military voting. This represents a five percent increase from 2008. An overwhelming majority, 95 percent, indicated that they were informed of the passage of the MOVE Act, which is a very positive sign. LEOs received the majority of their information and training from the state level, and 24.7 percent reported receiving training from the FVAP, a federal agency.

TABLE 11: SOURCES OF INFORMATION AND TRAINING

	2010	2008	2006
State Elections Office (Sec. of State, Board of Elections, etc.)	96.3%	95%	91%
The Federal Voter Assistance Program (FVAP)	27.4%	41%	35%
State person in charge of UOCAVA voting	15.4%	18%	16%
County Clerk	15.8%	15%	
The Election Center	9%	10%	13%

NOTE: Respondents were asked, "Who provides you with updates/information and/or training regarding overseas and military voting? (Check all that apply.)" Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100. Response options were different in 2006 and 2008.

“This was our first experience with the MOVE act, and we received our training in early September. It was so helpful having the email addresses so we could respond with our voters when problems occurred. But it was a lot of back and forth to sometimes get the information we needed.”

Election Official, Anonymous

Emails, meetings or classes, and memorandums are the most popular forms of training. These results are summarized in Figure 1. The 2010 results are similar to the 2008 findings. The trend toward new training technologies continued and 22 percent reported receiving online training, up from 15 percent in 2008 and 10 percent in 2006.

In summary, election officials reported received more training in 2010 than in 2008, and 72 percent felt that this training was very sufficient or sufficient. This represents a decrease from 2008, when 91 percent indicated that the training they received was sufficient. Only approximately 6 percent found their training insufficient in 2010.

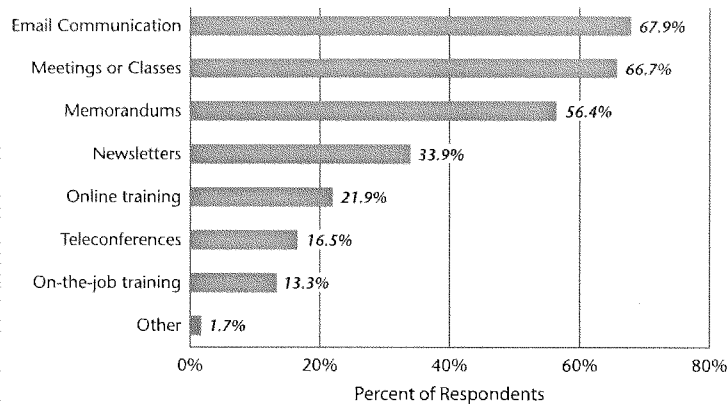
G. Assistance and Communication to Overseas and Military Voters after the MOVE Act

LEOs provide several forms of assistance to voters among which communication tops the list. Of those participants who stated that they provide special assistance, 75.7 percent offered assistance in the form of email communications, which represents a 19 percent increase from 2008. In addition to email, 52 percent provided information on their website, which represents an 18 percent increase from 2008. Furthermore, 72 percent gave priority to voting materials mailing, and 52 percent contacted relatives to confirm addresses. These results indicate that election officials are increasingly turning to email and the internet as a way to assist and communicate with voters.

The findings regarding LEO assistance to voters are illustrated in Figure 2, which shows that 57 percent of LEOs reported that email was their most common form of communication with overseas and military voters. As in 2008, the second most common form of communication was postal mail. Although the use of written communication by post appears to have decreased (from 36 to 27 percent) since 2008, there has not been a corresponding increase in the use of email.

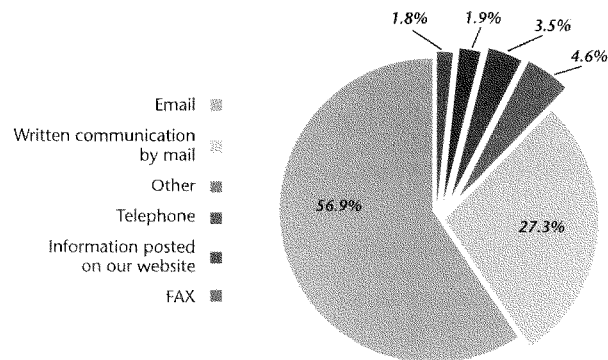
According to the MOVE Act, states were required to designate a form of electronic communication with voters, which was to be used for the following purposes: for voters to request voter registration and absentee ballot applications, for states to send applications to voters, and to provide voters with election and voting information. The results of this survey do not provide enough data to determine if local election officials fully implemented this aspect of the new reforms.

FIGURE 1: TYPE OF TRAINING



NOTE: Respondents were asked, "Please identify the type of information and/or training you receive on overseas and military voting. (Check all that apply)" Data entries represent percent of respondents to the question. Because respondents were allowed to choose multiple responses, percentages do not add up to 100.

FIGURE 2: COMMUNICATION BETWEEN LEOS AND VOTERS



NOTE: Respondents were asked, "What is your most frequently used form of communication with overseas and military voters?" Data entries represent percent of respondents to the question.

Although 850 LEOs (57 percent) reported that email was their most frequent form of communication with voters, 12 percent of LEO survey respondents reported that they do not communicate with voters by email and 22 percent do not collect the email addresses of those voters that contact them. Among the reasons that the 12 percent of LEOs gave for not using email is that they believe it is “not necessary.” The use of email is a trend that election officials cannot ignore, as 40 percent of jurisdictions reported an increase in the number of emails coming from overseas and military voters.

Websites are an alternate form of communication that election officials have explored. As in 2008, 45 percent of jurisdictions had their own website and 33 percent referred overseas and civilian military voters to the State Board of Elections website or the Secretary of State’s website. It is encouraging that 78 percent of LEO survey participants are increasingly using this form of communication. Just 5 percent did not rely on any websites and nearly 7 percent have no plans for a website. 37 percent (450 jurisdictions) reported upgrading their website in 2010; just 23 percent (276 jurisdictions) described their upgrades as a response to the new MOVE Act.

TABLE 12: ONLINE SERVICES FOR VOTERS

Online Service	Percent
Online registration assistance in the form of actual data-entry registration, not just text instructions	14%
Online voter registration confirmation system	10.6%
Online ballot download facilities	11.5%
Online ballot tracking and status	16.1%
We do not offer any of these services	15.7%
We do not offer these services, but they are available on the State Board of Elections or Secretary of State site	53.4%
I don’t know	6%
Other	3.4%

NOTE: Respondents were asked, “Did you offer any of the following online services to voters? (Please check all that apply)”

In contrast, the majority of respondents stated that their State Board of Elections or Secretary of State’s website made changes because of the MOVE Act. This emphasis on state level, rather than local level implementation is reflected in Table 12. The primary online service provided to voters was online ballot tracking (per the requirements of MOVE) with the majority of activity at the state level, supplementing local jurisdiction activity.

H. Conclusion

The 2010 Post Election LEO Survey results indicate a decline in the number of registration/ballot requests submitted by overseas and military voters, which is unfortunately deemed “to be expected” in a mid-term election. Despite this disappointing finding regarding turnout, the survey results revealed several positive developments. An overwhelming majority of LEOs were informed of the MOVE Act and it had an immediate impact on their management processes. LEOs continued the upward trend towards the use of technology as a means to fix problems in the voting process, and implemented a variety of new online tools for voters. Those that did not, appear to have relied on their state election officials. The most important challenge facing LEOs as they enter the 2012 cycle will be to increase outreach to their voters as they continue to develop their IT solutions.

“Until our State allows us to follow through with the Move Act, our hands are tied.”

Election Official, Anonymous

OVF Research Program

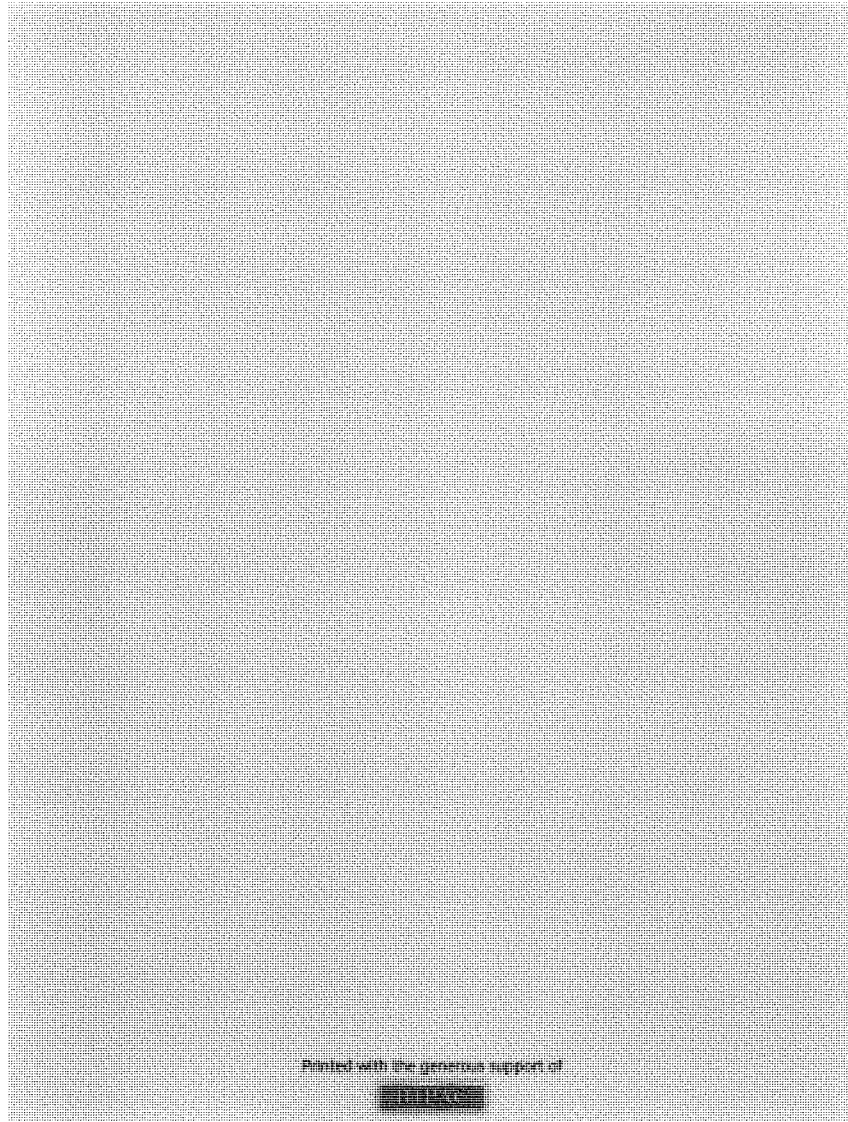
Overseas Vote Foundation (OVF) is dedicated to advancing research concerning overseas and military voters and voting. Surveys and ongoing research are vital to substantiating the efforts of OVF, election officials on all levels, scholars and advocates in understanding and improving registration and voting processes for citizens who live abroad or serve in the military.

The following OVF Research Reports are available for download from our website:

- These are our Numbers: Civilian Americans Overseas and Voter Turnout
- It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting
- Case Study: Minnesota Takes the Lead in 2008
- Defining the Universe: The Problem of Counting UOCAVA Voters
- State Fact Sheets
- Back issues of the "OVF Research Newsletter"
- Survey Reports for 2008 and 2006

Please visit the OVF Research web page for more information:

<https://www.overseasvotefoundation.org/research-intro>



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June 3, 2010

Representative Zoe Lofgren
 Vice Chairwoman
 U.S. House of Representatives
 Committee on House Administration
 102 Cannon House Office Building
 Washington, DC 20515

Dear Representative Lofgren:

The United States Election Assistance Commission (EAC) recently issued proposed requirements for testing and certifying Internet voting systems for use in pilot programs in the upcoming general election this November. On April 26, 2010, Voter Action delivered a letter and accompanying exhibits to the commission urging that it withdraw these proposed requirements. Enclosed please find a copy of that letter and accompanying exhibits (on CD-Rom). We are also enclosing a copy of a recent *New York Times* article citing our letter and exposing the EAC's actions.

As we explain in our letter, the EAC is in violation of several federal laws in proceeding with these proposed requirements, including the Help America Vote Act, the Federal Advisory Committee Act, and the Administrative Procedure Act. The EAC has rushed public comment on these proposed requirements and it has bypassed the technical committee responsible for initially drafting such regulations. Further, the EAC has allowed private companies which stand to profit from the implementation of Internet voting systems to participate in the drafting of these requirements and related manual for testing and certifying such systems. As we state in our letter to the EAC, the proposed requirements "do not comply with federal law and, if adopted, would illegally impair the fundamental voting rights of uniformed, overseas and other voters to vote and to have their votes counted as cast."

If allowed to proceed, the EAC will place at risk votes, including those of hundreds of thousands of military and overseas voters. Cyber-security experts across the country, including Richard A. Clarke quoted in the enclosed *New York Times* article, have expressed serious concern about moving forward with Internet voting systems.

June 3, 2010

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We urge you to intervene in this matter to protect the right to vote of military and overseas voters and to protect the integrity of our election process. The EAC's actions demand investigation and oversight, and we urge you to conduct congressional hearings and hold the EAC accountable on this matter. Finally, we urge you to join us in calling on the EAC to comply with federal law and withdraw these proposed requirements.

Please feel free to contact us if you have any questions or would like to discuss any of this further.

Sincerely,

A handwritten signature in black ink that reads "John C. Bonifaz". The signature is written in a cursive, slightly slanted style.

John C. Bonifaz
Legal Director

cc: Election Assistance Commission (w/ *New York Times* article)

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April 26, 2010

VIA HAND DELIVERY & E-MAIL
votingsystemguidelines@eac.gov
ddavidson@eac.gov

U.S. Election Assistance Commission
 c/o Donetta Davidson, Chair
 1201 New York Avenue, NW, Suite 300
 Washington, D.C. 20005

**Re: Proposed Pilot Program Voting System Testing and
 Certification Requirements and Manual
 [61 Fed. Reg. 16088-90 (Mar. 31, 2010) and 75 Fed.
 Reg. 21285 (Apr. 23, 2010) (Requirements) and 61
 Fed. Reg. 18189 (Apr. 9, 2010) (Manual)]**

Dear Commissioners:

Voter Action¹ respectfully requests the U.S. Election Assistance Commission (EAC or Commission) to withdraw its proposed requirements and manual for the federal certification of voting systems for use in pilot programs during real elections by uniformed and overseas citizens to vote. The proposed pilot program certification testing requirements and manual do not comply with federal law and, if adopted, would illegally impair the fundamental voting rights of uniformed, overseas and other voters to vote and have their votes counted as cast.²

¹ Voter Action is a national non-profit organization that seeks to ensure election integrity in the United States. Voter Action aims to protect an open and transparent election process, one in which our elections at the federal, state, and local level are accessible and verifiable. Voter Action supports the basic civil and political rights of all voters to cast their ballots in an independent manner and to have to their votes accurately recorded and counted.

² See, e.g., *Reynolds v. Sims*, 377 U.S. 533, 554 (1964).

U.S. Election Assistance Commission
 April 26, 2010
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In particular, the processes employed by the Commission in pursuing the proposed pilot program voting system certification testing requirements (and the related implementation manual) violate the Help America Vote Act (HAVA), the Federal Advisory Committee Act (FACA), the Administrative Procedure Act (APA) and the federal laws governing uniformed and overseas citizen absentee voting, and may also violate other statutes. The EAC processes constitute violations because, *inter alia*, the Commission: (1) established an advisory committee other than the one established by HAVA to develop these voting system certification testing requirements and manual; (2) utilized the advice of this non-statutory advisory committee in ways that conflict with HAVA, FACA and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended by the Military and Overseas Voters Empowerment Act ("MOVE Act"); and (3) failed to provide for public notice and comment as required by HAVA and the APA.

This letter provides background to, and highlights concerns associated with, the proposed pilot program voting system certification testing requirements and manual before addressing legal issues presented by the procedures by which the EAC came to propose these requirements and related manual.

Section I provides factual background and outlines Voter Action's concerns with respect to the EAC's proposals and procedures. Section IA explains that the U.S. Department of Defense (DOD)—the designated federal agency to carry out pilot programs to test the feasibility of voting systems for UOCAVA voters—is not doing UOCAVA pilot programs in 2010 or until the Technical Guidelines Development Committee (TGDC) has made its recommendations to the EAC regarding Internet and other forms of remote voting systems. Section IB shows that HAVA requires the EAC to consider the recommendations of the TGDC with respect to any voting system guideline or modification thereof. The conflict between the TGDC voting system guidelines (and manual) and the EAC proposed requirements (and manual) is laid out in Section IC, as is the dearth of new provisions in the proposed requirements directed to the features of remote voting systems to be deployed in real elections in pilot programs involving overseas and uniformed voters. Section ID addresses the serious security threats to election integrity posed by Internet-based and other remote voting systems. Section IE addresses concerns about Scytl, a foreign-based and presumably foreign-owned Internet-based voting system company that was involved in the development of the proposed requirements and manual.

Section II explains why the EAC has violated HAVA, FACA and UOCAVA in creating and using the advice of an advisory group other than the TGDC, which included Scytl and another Internet-based voting system company run by former EAC Chair Paul DeGregorio.

Finally, in Section III, we explain why the EAC has violated HAVA and the APA with respect to public participation in this rulemaking process.

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I. Introductory Background and Overview of Concerns Regarding the EAC's Proposals and Procedures.

A. The DOD is Not Piloting Remote Voting Systems in 2010, Nor Has the TGDC Proposed Guidelines for Remote Voting Systems.

The 2010 election will determine control of the U.S. Senate and House of Representatives. For the 2010 election, the DOD has no plans to introduce Internet or other experimental telecommunications pilot programs for absentee voting for the approximately six million uniformed or overseas citizens eligible under UOCAVA.³ In fact, the DOD has stated that the development and execution of a pilot program could take five years.⁴ This five year time frame would not begin until after the EAC adopts remote voting system guidelines developed by the TGDC, an entity statutorily created under HAVA. Section 222(b)(1) of that Act provides that “[i]n developing the voluntary system guidelines and modifications of such guidelines under this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Guidelines Development Committee under section 221 of this title.”⁵ On December 9, 2009, the EAC specifically tasked the TGDC to develop UOCAVA pilot program certification requirements.⁶

Yet on March 31, 2010—without the advice of the TGDC and eight months before the 2010 general election—the EAC proposed certification testing requirements for voting systems to be used in pilot programs for UOCAVA voters. Ten days later the EAC proposed a manual for use by voting system manufacturers to test “experimental” voting systems for EAC certification for use in pilot programs (including any offered by states under which uniformed and overseas citizens would vote absentee using Internet and telecommunications networks and

³ See 42 U.S.C. § 1973ff *et seq.*; U.S. Department of Defense, *Expanding the Use of Electronic Voting Technology for UOCAVA Citizens—As Required by Section 596 of the National Defense Authorization Act for Fiscal Year 2007* (May 2007) [Ex. A].

⁴ U.S. Government Accountability Office, *Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens*, GAO Report 07-774 (June 2007), at 28 (GAO Report 07-774) [Ex. B] (“Moreover, DOD officials told us that even if the [Election Assistance] Commission had developed Internet voting guidelines at the time of our review, DOD would not have been able to develop a secure, Internet-based electronic demonstration project in time for the 2008 presidential election. DOD said that—depending on the Internet voting guidelines provided by the Commission—the final system design, full development, testing and development phases would take an estimated 24 to 60 months. Furthermore, deployment of any system requires participation of the military services, which have many additional, competing priorities that may cause delays in deployment. Given that less than 17 months remain before the November 2008 election, FVAP officials said there is insufficient time to advertise and launch the Internet-based electronic demonstration project.”). Past pilot programs by the DOD were rushed and resulted in poor results. GAO Report, at 4; *see also id.* at 28 (“The Commission and state and local election officials noted that the aggressive schedules for these latest electronic initiatives did not allow sufficient time”).

⁵ 42 U.S.C. §§ 15361 and 15362. Section 221 of HAVA provides that “[a]t the time the Commission adopts any voluntary voting system guidelines pursuant to section 222 of this title [42 U.S.C. § 15362], the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the guideline adopted.” 42 U.S.C. § 15361(f).

⁶ EAC, *Proposed Uniformed and Overseas Citizens Absentee Voting Act Pilot Program Testing Requirements* (Mar. 24, 2010), at 8 (EAC Proposed Requirements), available at http://www.eac.gov/News/program-areas/voting-systems/docs/requirements-03-24-10-uocava-pilot-program/attachment_download/file.

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connections).⁷ The Commission published *Federal Register* notices allowing the public a mere 15 days in which to comment on each proposal.⁸ Voter Action requested a substantially longer period in which to comment,⁹ after which the EAC added another 15 days for comments on the proposed certification testing requirements.¹⁰ The EAC has maintained a 15 day only comment period, however, for the related certification testing manual.¹¹ According to the EAC, “the reason for the shortened public comment period is to allow for the UOCAVA pilot [voting] systems to be submitted under the program in time to allow them to be used in the 2010 general election *should a manufacturer desire to do so* [emphasis added]. In addition, because much of the manual is taken from already approved EAC manuals there is very little new material to review for comment.”¹²

B. HAVA Requires the TGDC to Assist the EAC in the Development of Voting System Guidelines.

Congress established the EAC to ensure that voting and election administration systems “afford each registered and eligible voter an equal opportunity to vote and have that vote counted.”¹³ The Commission’s key duties are to “provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories” pursuant to voting system guidelines established by the Commission and in accordance with HAVA. 42 U.S.C. §§ 15361, 15371. HAVA requires the EAC to consider TGDC recommendations in developing voting system guidelines, publish the proposed guidelines for public comment, hold public hearings about the proposed guidelines, and review the proposed guidelines with the EAC’s Board of Advisors and Standards Board and consider their comments.¹⁴

In 2005, the TGDC produced Voluntary Voting System Guidelines (VVSG), which were adopted by the EAC in 2006. The Commission published a *Federal Register* notice of a 90-day period during which the public could comment on the proposed guidelines.¹⁵ The Commission

⁷ While the proposed requirements focus on UOCAVA voters, the manual does not state that it is so limited. The notice provided by the EAC is patently inadequate to inform voters that the manual is for any type of pilot program, rather than only for UOCAVA pilot programs.

⁸ U.S. Election Assistance Commission (EAC), “Request for Substantive Comments on the EAC’s Proposed Requirements for the Testing of Pilot Voting Systems To Serve UOCAVA Voters,” 75 Fed. Reg. 16088-90 (Mar. 31, 2010) (Pilot Program Comment Notice) [Ex. C]; EAC, “Request for Substantive Comments on the EAC’s Procedural Manual for the Election Assistance Commission’s Pilot Voting System Testing and Certification Program Manual,” 75 Fed. Reg. 18189 (Apr. 9, 2010) (Program Manual Comment Notice) [Ex. D].

⁹ Eleanor Smith, Zuckerman Spaeder LLP, Letter to EAC (Apr. 15, 2010) [Ex. E].

¹⁰ EAC, “Request for Substantive Comments on the EAC’s Proposed Requirements for the Testing of Pilot Voting Systems To Serve UOCAVA Voters; Correction,” 75 Fed. Reg. 21285 (Apr. 23, 2010) [Ex. F].

¹¹ See Brian Hancock, EAC Testing and Certification Program Director, Memorandum to EAC Executive Director Tom Wilkey, “Waiver Request: Submission of Voting Systems Pilot Program Testing and Certification Manual for 15 day Public Comment Period (April 2, 2010) (Waiver Request) [Ex. G] (showing the hand-written grant by EAC Executive Director Thomas Wilkey of the waiver request to reduce the public comment period from 30 to 15 days).

¹² Waiver Request (emphasis added).

¹³ 42 U.S.C. § 15381(a)(3).

¹⁴ 42 U.S.C. § 15362.

¹⁵ EAC, “Proposed Guidance on Voluntary Voting System Guidelines,” 70 Fed. Reg. 37378 (June 29, 2005) [Ex. H].

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received 6,576 comments. The Commission held three public hearings, one each in New York City, Pasadena, and Denver. The EAC's Standards Board and Board of Advisors held a two-day meeting to formulate recommendations. The EAC posted comments on its website. On April 12, 2006, the Commission published the final 2005 VVSG in the *Federal Register* and delayed the effective date until December 13, 2007. By then the TGDC had provided the Commission with recommendations for the next generation of voting system guidelines, which have since received public comment during a 120-day comment period for which the EAC provided public notice. After these comments are fully considered, a revised set of guidelines will be noticed by the EAC for public comment during a second 120-day period. In addition, the Commission is holding public hearings and receiving input both from the EAC Standards Board (which consists of 110 election officials from state and local governments) and the EAC Board of Advisors (which consists of 37 public and private community representatives).¹⁶

C. The Proposed Pilot Program Voting System Guidelines Conflict with the VVSG, Do Not Address the Special Security Risks Posed by Internet and Remote Electronic Voting Systems, and Are Unduly Influenced by the Voting Systems Industry.

The proposed pilot program certification testing requirements appear to have been developed at the behest of—and for the benefit of—Internet voting systems companies that desire the imprimatur of federal government certification for products marketed to states. Indeed, these proposals were developed by a special advisory group, the UOCAVA Working Group, created by the EAC that included representatives from two Internet voting system companies: Everyone Counts (run by Paul DeGregorio, a former EAC Chair) and Scytl (a foreign-based company, presumably foreign-owned, and historically financed—at least in part—by a foreign government).

Other key stakeholders, including the National Institute of Standards and Technology (NIST), the head of which chairs the TGDC, were effectively excluded from membership in the UOCAVA Working Group. This exclusion is especially striking because the Commission has declared “its long held belief that National Institute of Standards and Technology (NIST), because of its internationally recognized technical expertise in developing standards, is *essential* to the development of guidelines for UOCAVA voters.”¹⁷

Internet voting suffers from serious security and reliability vulnerabilities.¹⁸ The EAC's proposals do not address these critical vulnerabilities, which are discussed further in the next section of this letter.

¹⁶ See generally EAC, “EAC Seeks Public Comment on TGDC's Recommended Voluntary Voting System Guidelines—Online Tool Now Available,” Press Release (Oct. 31, 2007) [Ex. I]; 42 U.S.C. § 15343.

¹⁷ Thomas R. Wilkey, EAC Executive Director, Letter to Derek B. Stewart, GAO Defense Capabilities and Management Director (May 25, 2007) (emphasis added) [Ex. J]; EAC, Meeting Webcast (Apr. 8, 2010) (EAC Meeting Webcast), available at <http://www.eac.gov/News/meetings/04-08-10-public-meeting>.

¹⁸ See, e.g., Professor Andrew Appel, Introductory Presentation, Internet Voting Debate, Fourth Annual UOCAVA Summit, Munich, Germany (Mar. 19, 2010), available at <http://www.youtube.com/watch?v=aZsR9soT3SU> (Part 1);

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Through these proposals, the Commission encourages voting system manufacturers to essentially self-test “innovative” and “experimental” voting systems for certification by the Commission.¹⁹ For-profit manufacturers—rather than testing laboratories accredited under HAVA—are permitted to perform much of the certification testing. The proposed requirements authorize the voting system manufacturers to deviate from the requirements in testing for certification and to make changes to their voting systems *after* certification and *without notifying the EAC*.²⁰ The manufacturers could simply use tests performed in development of the voting system—rather than having to demonstrate that the voting systems could perform to the certification requirements once they are submitted for certification. The Commission’s role would be reduced to simply reviewing paperwork that manufacturers elect to submit for certification along with the manufacturer’s declaration that its voting system “conforms” to the certification requirements. Auditing is *post*-election and again depends upon the information provided by the manufacturer to the EAC.²¹ The Commission has declared that it will expedite certification decisions regarding test plans and test reports within five and ten business days, respectively, upon receipt of the manufacturer’s paperwork.²² There are no procedures for enforcement of the certification standards by the Commission or for EAC *de*-certification in the event of certification violations.²³

The proposed pilot certification testing requirements and manual are touted as providing expedited voting system certification at reduced costs to the voting systems manufacturers. But that is true only if they somehow replace the VVSG that set forth voting system certification testing requirements, and were at least developed under HAVA’s regulatory scheme to protect election integrity.

D. Internet and Other Remote Electronic Voting Systems Expose Elections to Unacceptable Threat of Compromise.

Today’s computer-based technology vulnerabilities allow just one person to engage in election fixing in a myriad of ways, including changing one vote to many votes (in one or many contests), and potentially across physical, geographical and other boundaries, quickly and without detection.²⁴ While insider fraud is recognized as a greater threat than external hackers,²⁵

<http://www.youtube.com/watch?v=SRqRMKCC0Ak&feature=channel> (Part 2); and

<http://www.youtube.com/watch?v=JbC5GjHoG6E&feature=channel> (Part 3).

¹⁹ EAC, Voting System Pilot Program Testing & Certification Manual (Apr. 9, 2010) (EAC Pilot Program Manual), at 1; EAC Meeting Webcast.

²⁰ EAC Proposed Requirements, Pilot Program Manual and EAC Meeting Webcast.

²¹ EAC Pilot Program Manual, at 2; EAC Meeting Webcast.

²² Brian Hancock, EAC Director of Voting System Certification, Remarks at EAC Meeting Webcast, *supra* (at approximately the 1:08 minute mark of the meeting).

²³ See, e.g., EAC Meeting Webcast.

²⁴ See, e.g., GAO Report, at 25-31; Richard Thornburgh, Richard Celeste et al., The National Academies, Letter Report on Electronic Voting to the National Science Foundation (July 20, 2006) [Ex. K]; Richard Celeste, Dick Thornburgh and Herbert Lin (eds), The National Academies, *Asking the Right Questions About Electronic Voting* (2005), available at http://www.nap.edu/catalog.php?record_id=11449. See also Greg Gordon, “Most Electronic Voting Isn’t Secure, CIA Expert Says,” McClatchy Newspapers (Mar. 24, 2009), available at <http://www.mcclatchydc.com/2009/03/24/64711/most-electronic-voting-isnt-secure.html> [Ex. L].

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external hackers now have demonstrated that they can actually become insiders with access to the most secret system operations.²⁶

Insider fraud and other security risks from *non*-Internet based electronic voting have yet to be adequately addressed by the current federal testing and certification regime. Evolving technology and threats make it difficult for standards to keep up.²⁷ The vulnerabilities of these voting systems are documented in seminal reports of independent state investigations of electronic voting systems integrity, including the Ohio Secretary of State's "Project EVEREST" report²⁸ and the California Secretary of State's "Top-to-Bottom" review.²⁹ Some of these vulnerabilities have been demonstrated by voting system experts on video and are available on the Internet.³⁰

Internet voting is insecure, unreliable, and undermines the secrecy of the ballot. Internet voting security concerns in 2004 led the Pentagon to cancel Internet voting for as many as 100,000 military and overseas voters from seven states.³¹ Respected computer security experts across the country agree that the security problems associated with Internet voting would be exponentially greater than the current problems associated with electronic voting machines.³² As Ellen Theisen of the non-partisan group VotersUnite summarized in testimony last year:

²⁵ Concerns about insider fraud are shared by major independent authorities who have considered election security, including the National Election Commission, the General Accounting Office, the National Academy of Science's Committee on a Framework for Understanding Electronic Voting, and ACCURATE (ACCURATE is a multi-institution, inter-disciplinary, academic research project funded by the National Science Foundation's "CyberTrust Program"). President Jimmy Carter and James A. Baker II warned in their *Report of the Commission on Federal Election Reform* that:

The greater threat to most systems comes not from external hackers, but from insiders who have direct access to the machines. Software can be modified maliciously before being installed into individual voting machines. There is no reason to trust insiders in the election industry any more than in other industries, such as gambling, where sophisticated insider fraud has occurred despite extraordinary measures to prevent it?"

Jimmy Carter & James A. Baker, III, *Building Confidence in U.S. Elections, Report of the Commission on Federal Election Reform* (Sept. 2005), at 28 [Ex. M].

²⁶ Ellen Nakashim, "Google Hackers Duped Company Personnel to Penetrate Networks—Cyber Attacks Growing More Sophisticated, Experts Say," *Washington Post* (Apr. 21, 2010), at A15 [Ex. N].

²⁷ GAO Report, at 8 (noting the 2005 "guidelines do not comprehensively address telecommunications and networking services or their related security weaknesses, such as those related to the Internet.").

²⁸ Secretary of State, State of Ohio, *Project Everest: Evaluation and Validation of Election Related Equipment, Standards and Testing—Report of Findings* (Dec. 14, 2007) [Ex. O], available at <http://www.sos.state.oh.us/sos/upload/everest/00-SecretarysEVERESTExecutiveReport.pdf>.

²⁹ Secretary of State, State of California, "Top-to-Bottom Review" (2007) [Ex. P], available at http://www.sos.ca.gov/elections/elections_vsr.htm.

³⁰ See, e.g., Professor Andrew Appel, Princeton University Report on Sequoia (Mar. 19, 2010) (demonstrating the ease of hacking into the Sequoia voting system), available at <http://www.youtube.com/watch?v=wZRsXZ5Cz4> (Part I); <http://www.youtube.com/watch?v=aF3aRTXis2k&feature=related> (Part II); and <http://www.youtube.com/watch?v=Auv77eqyu1s&feature=related> (Part III).

³¹ See Associated Press, "Pentagon Cancels Internet Voting Test, Too Many Concerns About Ballot Security, Officials Say," (May 17, 2004) [Ex. Q].

³² See, e.g., Verified Voting, "Computer Technologists' Statement on Internet Voting," (Sept. 11, 2008) [Ex. R], available at <http://www.verifiedvoting.org/article.php?id=5867>.

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- **In 2004, a panel of experts commissioned by the U.S. Department of Defense** concluded that it was not possible to ensure the privacy, security, or accuracy of votes cast over the Internet with its current architecture. They said the attempt to provide secure, all-electronic Internet voting was “an essentially impossible task.”³³
- **In 2007, the U.S. Government Accountability Office (GAO)** found that email and Internet voting is “most vulnerable to privacy and security compromises than conventional methods now in use” and that “available safeguards may not adequately reduce the risks of compromise.”
- **In 2008, the National Institute of Standards and Technology (NIST)** found that the “[t]echnology that is widely deployed today is not able to mitigate many of the threats to casting ballots via the web.”
- **In 2008, thirty leading computer science experts and professors at major universities** signed a statement asserting that until “serious, potentially insurmountable technical challenges” are overcome, permitting the Internet to be used for public elections “is an extraordinary and unnecessary risk to democracy.”³⁴

These concerns are not academic. In March 2010, Internet hackers attacked the computerized system used to transmit votes in the Colombian election.³⁵

More generally, Internet-based computer hacking and cyber warfare are now commonly understood national security threats. Recent reports revealed penetrations of the DOD and Federal Aviation Administration computer systems, as well as Google security, such that Google’s security source codes could have been compromised,³⁶ possibly by the Chinese

³³ With respect to the SERVE Internet Voting Program, the Congressional Research Service has observed: The FVAP administered an experimental Internet voting program, the Secure Electronic Registration and Voting Experiment (SERVE), for military and overseas citizens in the November 2000 election. Those eligible to cast ballots via the Internet were voters whose legal residence was in one of fourteen participating counties in Florida, South Carolina, Texas, and Utah. The pilot project was limited to a total of 350 voters, of whom 84 cast absentee ballots over the Internet. The FVAP issued a June 2001 report evaluating the program. An expanded version was in place in seven states for the 2004 elections, but it was cancelled after a report reviewing the program raised Internet security concerns. Among other conclusions, the report noted that because fundamental vulnerabilities exist with Internet voting, a successful cyber attack on the SERVE program could undermine the November election.

Kevin J. Coleman, “The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues,” Congressional Research Service, CRS Report for Congress, No. RS20764 (Nov. 4, 2009) [Ex. S].

³⁴ Ellen Theisen, Testimony Before the U.S. House of Representatives on House Bill 1624 (Feb. 6, 2009) [Ex. T], available at <http://www.votersunite.org/Info/WATestimonyET.pdf>.

³⁵ Agence France Presse, “Hackers Attacked Colombian Vote Count,” (Mar. 17, 2010) [Ex. U].

³⁶ See, e.g., Julian Barnes, “Pentagon Computer Networks Attacked, the Cyber Strike on Key Sites is Thought to be from Inside Russia,” *LA Times* (Nov. 28, 2008) [Ex. V]; Siobhan Gorman, “FBI Suspects Terrorists Are Exploring Cyber Attacks,” *Wall Street Journal* (Nov. 18, 2009) [Ex. W]; John Markoff, “Hackers Said to Breach Google Password System,” *New York Times* (Apr. 20, 2010) [Ex. X].

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government.³⁷ And official reports document a growing threat and incidence of cyber warfare.³⁸ Now Congress is considering the nomination of the first head of the new U.S. military cyber command.³⁹ A fundamental way to undermine the national security of our democracy would be to put into elected office persons who are not the choice of U.S. voters.

E. The Involvement of Scytl Raises National Security Concerns.

Foreign governments may also seek to undermine the national security interests of the United States, either directly or through other organizations. Not long ago the Committee on Foreign Investment in the United States investigated Venezuelan-based Smartmatic to determine whether the Venezuelan government owned or controlled Sequoia Voting Systems. Smartmatic is reported to have divested itself of Sequoia Voting Systems after this investigation was underway.⁴⁰

Now Scytl, which has been associated with the Spanish government, is represented on the UOCAVA Working Group. Scytl was apparently founded in 2001 as a spin-off from a research group at the Universitat Autònoma de Barcelona and was (and may still be) partially funded by the Spanish government's Ministry of Science and Technology. Scytl's headquarters is in Barcelona (Spain) although Scytl also has offices in Washington, D.C., Singapore, Bratislava (Slovak Republic) and Athens (Greece).⁴¹ Voter Action has not been able to determine the identity of Scytl's ultimate owner(s) and controller(s) from publicly available information.

³⁷ Shane Harris, "China's Cyber-Militia—Chinese Hackers Pose a Clear and Present Danger to U.S. Government and Private-Sector Computer Networks and May Be Responsible for Two Major U.S. Power Blackouts," *National Journal* (May 31, 2008) [Ex. Y]; Jason Fritz, "How China Will Use Cyber Warfare to Leapfrog in Military Competitiveness," 8 *Culture Mandala* 28 (2008) [Ex. Z].

³⁸ Hilton Collins, "2010 Cyber-Threat Forecast Sees Hacks Growing in Sophistication and Reach," *Government Technology* (Dec. 31, 2009) [Ex. AA]; GAO, *Information Security: Concerted Response Needed to Resolve Persistent Weaknesses*, GAO Report 10-536T (Mar. 24, 2010) [Ex. BB]; GAO, *Information Security: Cyber Threats and Vulnerabilities Place Federal Systems at Risk*, GAO Report 09-661T (May 5, 2009) [Ex. CC]; GAO, *Cybersecurity: Progress Made but Challenges Remain in Defining and Coordinating the Comprehensive National Initiative*, GAO Report 10-338 (Mar. 5, 2010) [Ex. DD]; Dan Elliott, "USAF Adds Cyber Training for Recruits and Officers," Associated Press (April 12, 2010) (reporting that the Air Force will train all new recruits in the basics of cyberwarfare and add more advanced schooling for others to help combat the growing threat of attacks on U.S. computer networks.) [Ex. EE].

³⁹ Lolita C. Baldor, "Senate Stalls Cyber Commander to Probe Digital War," Associated Press (Apr. 12, 2010) [Ex. FF].

⁴⁰ See Bob Davis, "Smartmatic to Shed U.S. Unit, End Probe Into Venezuelan Links," *Wall Street Journal* (Dec. 22, 2006), at A6 [Ex. GG]; Sequoia Voting Systems, "U.S. Voting Technology Leader Sequoia Voting System Announces New Corporation Ownership," Press Release (Nov. 8, 2007) [Ex. HH]. See also Richard Brand & Alfonso Chardy, "Venezuela Owns Stake in Ballots," *The Miami Herald* (May 28, 2004), at 1 [Ex. II] (reporting investment in Smartmatic associated with Venezuelan government and use of Smartmatic voting systems in controversial 2004 recall election won by Venezuelan President Hugo Chavez).

⁴¹ See generally Scytl company website, available at http://www.scytl.com/subcategoria_ing_8_16.htm.

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In 2008, the Florida Department of State commissioned a review of Scytl's remote voting software (Pnyx.core ODBP 1.0) and concluded, in part, that:

- The system is vulnerable to attack from insiders.⁴²
- In a worst case scenario, the software could lead to (1) voters being unable to cast votes; (2) an election that does not accurately reflect the will of the voters; and (3) possible disclosure of confidential information, such as the votes cast by individual voters.⁴³
- The system may be subject to attacks that could compromise the integrity of the votes cast.⁴⁴

II. The EAC Failed to Comply with HAVA, UOCAVA and FACA in Establishing the "UOCAVA Working Group" and Utilizing Its Advice.

Congress enacted FACA to protect against undue influence by special interest groups over government decision-making and duplication of effort by advisory committees. *Public Citizen v. Dep't of Justice*, 491 U.S. 440, 451 (1989); 5 U.S.C. App. II et seq. FACA defines an advisory committee as:

any committee, board, commission, council, conference, panel, task force, or other similar groups, or any subcommittee or other subgroup thereof . . . , which is (A) established by statute or reorganization plan, or (B) established or utilized by the President, or (C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the federal government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the federal government.

5 U.S.C. App. II § 3(2).

FACA requires that a group established or utilized by federal agencies to obtain advice or recommendations must (1) be chartered before it takes action, (2) provide appropriate notice of meetings in advance, (3) permit public participation, (4) provide access to records and transcripts, and (5) provide a fair balance of views represented.⁴⁵ An agency creating an advisory committee must take measures to avoid undue influence by a special interest over the advisory committee's activities.⁴⁶

⁴² Michael Clarkson et al., *Software Review and Security Analysis of Scytl Remote Voting Software* (Sept. 19, 2008) (Scytl Report), at 34-36, available at <http://www.eecs.berkeley.edu/~daw/papers/scytl-odbp.pdf>.

⁴³ Scytl Report, at 4.

⁴⁴ Scytl Report, at 63.

⁴⁵ 5 U.S.C. App. II, §§ 9(c), 10(a)(2), 10(a)(1), 10(b), and 5(b).

⁴⁶ 5 U.S.C. § 5(3).

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The EAC is familiar with the requirements of FACA. The TGDC is a federal advisory committee required by HAVA⁴⁷ and was chartered by the EAC most recently in August 2008.⁴⁸ The TGDC's statutory objective and duty is to assist the EAC with the development of voluntary voting system guidelines.⁴⁹ The TGDC chair is the Director of the National Institute of Standards and Technology. The TGDC must include representatives from the EAC Standards Board, Access Board and Board of Advisors, as well as representatives of the American National Standards Institute, the Institute of Electrical and Electronics Engineers and the National Association of State Election Directors. Moreover, "[u]nder the Help America Vote Act, the National Institute of Standards and Technology will provide technical assistance to the Commission."⁵⁰

At its first meeting on July 9, 2004, the TGDC announced the FACA ground rules, including the following ethics requirements:

- Members who serve in an individual, expert capacity are Special Government Employees (SGEs) under 18 U.S.C. § 208, and are subject to Federal conflict of interest statutes and rules. As such, they are prohibited from participating in particular matters that may have a direct and predictable effect on their financial interests or on those of a spouse, minor child, or general partner.
- SGEs also may not be Registered Agents under the Foreign Agents Registration Act, 22 U.S.C. § 611 et seq. The responsibility for determining whether any particular member is required to register as a foreign agent under this statute lies with the individual and not the Commission.
- Members who serve in a representative capacity are not subject to the conflict of interest statutes, but must still adhere to rules designed to prevent using a public position for private gain, including abuse of Government affiliation, resources, and information.
- Advice on standards of conduct matters for both SGEs and representatives will be provided by the EAC.⁵¹

In addition, the deliberative process of the TGDC is to be open to the public, as required by FACA:

- The Committee shall not act in the absence of a quorum (defined as a simple majority of the members of the Committee not having a conflict of interest in the matter being

⁴⁷ 42 U.S.C. § 15361; EAC Technical Guidelines Development Committee, "The Technical Guidelines Development Committee," Memorandum (July 9, 2004) (TGDC FACA Memorandum) [Ex. JJ].

⁴⁸ EAC Technical Guidelines Development Committee, "Charter of the U.S. Election Assistance Commission Technical Guidelines Development Committee" (Aug. 12, 2008) [Ex. KK].

⁴⁹ "The Committee's advisory duties are determined by statute which provides that the general purpose of the Committee is to assist the Executive Director of the Election Assistance Commission in the development of voluntary voting system guidelines." TGDC FACA Memorandum.

⁵⁰ TGDC FACA Memorandum.

⁵¹ TGDC FACA Memorandum.

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considered by the Committee, except that, if the number of members on the Committee is even, half will suffice).

- All Committee meetings must be called by a Federal officer or employee (usually the Designated Federal Officer), announced to the public in advance, and be open to the public. While limited exceptions to the open meeting requirement exist, they must be based on applicable law. Closed meetings must be approved in advance by the Election Assistance Commission.
- Meetings should allow a reasonable opportunity for public comments. The public may also file written statements with the Committee at any time.
- All materials made available to the Committee, prepared for the Committee, or prepared by members of the Committee, as well as minutes and transcripts of meetings, will be available to the public in a reading room format. . . .⁵²

Through providing public notice, open meetings and access to its working documents, the TGDC has developed voting system guidelines used by the EAC to certify voting systems for use in federal elections.⁵³ The Committee's recommendations were the basis for the 2005 VVSG.⁵⁴ The Committee has since recommended changes to these standards and the Commission has proposed new VVSG for public comment.⁵⁵

In December 2009, the EAC "directed" the TGDC to develop best practices and standards for electronic voting system pilot programs for uniformed and overseas citizen absentee voting.⁵⁶ The EAC directive stems from federal law regarding the development of pilot programs by the DOD for absentee voting by uniformed and overseas citizens.⁵⁷ As explained by the EAC:

[T]he Military and Overseas Voters Empowerment Act contains a provision allowing the Secretary of Defense to establish one or more pilot programs to test the feasibility of new election technology for UOCAVA voters. This provision requires the EAC and NIST to provide best practices or standards to support these pilot programs 'in accordance with electronic absentee voting guidelines established under' the earlier FY2005 NDAA [Defense Authorization Act for

⁵² TGDC FACA Memorandum; see also EAC, "TGDC Meeting Announcements," available at <http://www.eac.gov/about/committees/tgdc/meeting-announcements/>.

⁵³ See TGDC, "TGDC Meetings and Output," available at <http://vote.nist.gov/PublicHearingsandMeetings.html>.

⁵⁴ EAC, *Voluntary Voting System Guidelines Version 1—Initial Report*, at 1 (May 9, 2005) (VVSG), reprinted at <http://vote.nist.gov/VVSGVol1&2.pdf>.

⁵⁵ See, e.g., EAC, "Proposed Guidance on Voluntary Voting System Guidelines," 72 Fed. Reg. 62639-2640 (Nov. 6, 2007) [Ex. LL].

⁵⁶ EAC Proposed Requirements, at 8. The MOVE Act is Subtitle H of Title V of the 2010 National Defense Authorization Act, P.L. 111-84, 12 Stat. 2334 (Oct. 29, 2009).

⁵⁷ 42 U.S.C. § 1973ff-7(e)(1). Section 1973ff-7(e)(1) provides that "The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee [DOD] with best practices or standards in accordance with electronic absentee voting guidelines established under [the FY 2005 NDAA]".

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fiscal year 2005.] In December 2009, the EAC directed the TGDC to begin this work as a top research priority. The EAC expects this work to result in the comprehensive set of remote electronic voting system guidelines as mandated by the FY2005 NDAA.

EAC, *Proposed Uniformed and Overseas Citizens Absentee Voting Act Pilot Program Testing Requirements* (March 24, 2010), at 8 (EAC Proposed Requirements). In UOCAVA, Congress provided that “the design and conduct of a pilot program . . . shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal Office.”⁵⁸ Meanwhile:

[I]n July 2009, the EAC convened a UOCAVA Working Group to consider how to adapt the EAC’s Testing and Certification Program to accommodate UOCAVA pilot systems. It was concluded that two products were needed: a modified set of system testing requirements; and a revised testing and certification process. It was determined that the working group would assist the EAC in drafting the testing requirements and the EAC staff would adapt the certification process to accommodate the UOCAVA pilot program Since many different types of remote voting systems could be submitted to the EAC certification program, the EAC Working Group defined generic system requirements to provide for system design flexibility.”

EAC Proposed Requirements, at 7.

On April 9, 2010, the EAC revealed that the UOCAVA working group includes representatives of two privately-held Internet voting system companies, Everyone Counts (run by former EAC Chairman Paul DeGregorio) and Scytll (a company partially funded by the Spanish government). Excluded from this working group are representatives from the EAC Standards Board and Access Board, American National Standards Institute, and the Institute of Electrical and Electronics Engineers.⁵⁹ According to testimony at UOCAVA’s April meeting, the main goals of the Working Group appear to have been to shorten the time frame for voting system certification from eight months to less than six weeks, and to reduce the certification costs to voting system companies from \$800,000 to less than \$500,000.⁶⁰

The EAC usurped from the TGCD its statutorily mandated task to develop the voting system certification requirements and manual to be used in pilot programs and gifted that essential task to the UOCAVA Working Group. In doing so, the EAC has eliminated the essential checks and balances established by Congress in HAVA, particularly with respect to advice to the EAC in developing voting system guidelines. In addition, the EAC has excluded the DOD from DOD’s statutorily authorized role in UOCAVA pilot programs. The EAC is

⁵⁸ 42 U.S.C. § 1973ff-7(2)(B).

⁵⁹ EAC Meeting Webcast.

⁶⁰ EAC Meeting Webcast.

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therefore in violation of substantive federal law as it relates to the development of voting system standards for uniformed and overseas citizen absentee voting.⁶¹

The EAC has failed to comply with FACA in the process of developing these unauthorized voting system certification requirements and manual. The EAC established the UOCAVA Working Group to obtain advice from the working group as to the development of pilot program voting system certification testing requirements and manual. The EAC utilized the advice of the working group in proposing these requirements and manual. In light of the facts discussed above, the UOCAVA Working Group is an advisory committee subject to FACA. Yet the EAC failed to charter the UOCAVA Working Group as an advisory committee. In violation of FACA, it also failed to provide adequate notice in advance of each UOCAVA Working Group meeting, open each meeting to the public, and permit the public to participate, as required by FACA. Furthermore in switching to advice from the UOCAVA Working Group, the EAC removed the independent technical expertise required for and found in the TGDC and replaced it with representatives of special interests, namely the Internet voting system industry. For this reason, the UOCAVA Working Group is not fairly balanced in terms of views represented. The UOCAVA Working Group is also unfairly balanced in terms of views represented because voters are stakeholders and they are not represented on the UOCAVA Working Group.

Moreover, no ethical safeguards applicable to the TGDC and its non-governmental members were apparently applied to this working group. And, it appears that the UOCAVA Working Group was victim to undue influence from special interests, namely the Internet voting system companies.⁶² The proposed requirements do not address the new and challenging security risks posed by the use of Internet and other remote electronic voting systems. Rather, these proposed requirements do no more than “adapt” existing voting systems certification testing guidelines.⁶³ Worse still, the EAC took the advice of the working group and proposed relaxed certification testing requirements that depend entirely upon trust that the voting system manufacturers are conforming to testing and certification requirements. These weak

⁶¹ The APA provides for judicial review of agency action that is arbitrary and capricious or otherwise violates constitutional or statutory law. *See* 5 U.S.C. § 706.

⁶² EAC employees are subject to executive branch conflicts of interest and other ethics rules. *See* 11 C.F.R. § 9411.1. The EAC proposed working group policy noticed in the Federal Register on January 9, 2009, does not extend these protections to working group participants. *See* 74 Fed. Reg. 896. This proposed working group policy directs the EAC Executive Director to develop procedures regarding the use, make-up, administration and product of working groups, and directs that EAC working groups “must include a fairly balanced membership. Members of the working group should represent a cross-section of the election or other communities that are directly affected by the topic and academics and/or technical experts who are uniquely qualified as appropriate to the nature and functions of the working group.” *Id.* The proposed policy further provides that “any working group established by the EAC must be provided a clear focus in the form of a written agenda or group mandate. . . and the EAC shall capture the opinions . . . expressed by the working group and make that information available to the Commissioners [and] the public.” *Id.*

⁶³ EAC Proposed Requirements at 7, available at http://www.eac.gov/News/program-areas/voting-systems/docs/requirements-03-24-10-uocava-pilot-program/attachment_download/file (proposed requirements “adapt the EAC’s Testing and Certification Program to accommodate UOCAVA pilot systems;” UOCAVA Working Group would recommend “a modified set of system testing requirements” for a “revised testing and certification process.”); *see also* Waiver Request, *supra* (explaining that much of the manual is taken from already approved EAC manuals and there is very little new material).

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requirements, which are inconstant to VVSG, clearly benefit Everyone Counts and ScytI, both privately-held, for-profit Internet voting system companies.⁶⁴ Indeed, the only purpose served by these requirements is to provide voting system manufacturers with a federal seal of approval for remote voting systems to be sold to states *before* the TGDC develops the remote voting system guidelines sought by Congress.⁶⁵

For each of these separate and independent reasons, the working group is an advisory committee that is subject to FACA and is not in compliance with HAVA and UOCAVA. Because the EAC did not comply with HAVA, UOCAVA and FACA in the establishment or utilization of the working group, its advice cannot be relied upon by the EAC. *National Anti-Hunger Coalition v. Executive Committee of the President's Private Sector Survey on Cost Control*, 566 F. Supp. 1515, 1516-1517 (D.D.C. 1983); *Alabama-Tombigbee Rivers Coalition v. Department of Interior*, 26 F.3d 1103 (11th Cir. 1994). Accordingly, the proposed requirements and manual should be withdrawn from consideration.

III. HAVA and the APA Require Notice and Comment Rulemaking for the Proposed Pilot Program Voting System Certification Testing Requirements and Manual.

The UOCAVA certification testing requirements and manual proposed by the EAC are subject to the notice and comment requirements of HAVA, 42 U.S.C. § 15321§ *et seq.*, and the APA, 5 U.S.C. § 551 *et seq.* The Commission has failed to meet these requirements, as explained below.

A. HAVA Explicitly Requires Public Comment and Participation.

The proposed certification testing requirements and manual would be modifications of voting system guidelines, and are thus subject to HAVA's provisions for notice and comment, public hearing and other public scrutiny of proposed voting system guidelines.⁶⁶ The process by which the Commission must adopt voting system guidelines is set forth in Section 222 of HAVA, which provides the "[g]eneral requirement for notice and comment" that;

... adoption of the voluntary voting system guidelines (*or modification of such a guideline*) shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed guidelines in the Federal Register.
- (2) An opportunity for public comment on the proposed guidelines.
- (3) An opportunity for a public hearing on the record.

⁶⁴ EAC Meeting Webcast.

⁶⁵ Waiver Request (the EAC has proposed the pilot program certification testing manual so that UOCAVA pilot voting systems can be EAC certified "in time to allow them to be used in the 2010 general election *should a manufacturer desire to do so*") (emphasis added).

⁶⁶ 42 U.S.C. § 15362.

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(4) Publication of the final guidelines in the Federal Register.

42 U.S.C. § 15362(a) (emphasis added). This section of HAVA further provides that the Executive Director of the Commission shall submit guidelines and “*any modifications to such guidelines*” to the Executive Board of the Standards Board, “which shall review the guidelines (*or modifications*) and forward its recommendations to the Standards Board. 42 U.S.C. §§ 15362(b)(2) and (3) (emphasis added).

Both the Board of Advisors and the Standards Board are statutorily required to submit comments and recommendations regarding the guidelines (*or modifications*) to the Commission. 42 U.S.C. § 15362(c) (emphasis added). In adopting guidelines or modifications thereof, the Commission must take into account the comments and recommendations of these boards and the Technical Guidelines Development Committee. 42 U.S.C. §§ 15362 (b)(1) and (d)(1). In addition, the Commission may not vote on the final adoption of a guideline or modification thereof “until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the proposed guidelines (*or modifications*) to the Board of Advisors and the Standards Board” as required by this section of HAVA. 42 U.S.C. § 15362(d)(2) (emphasis added).

Here, the proposed certification testing requirements and manual exempt voting systems for use in pilot programs from the already adopted VVSG.⁶⁷ The proposed testing requirements would be used instead of the National Certification Testing Guidelines of the 2005 VVSG.⁶⁸ Thus, the testing requirements would be modifications to the VVSG subject to the statutory procedures outlined above.⁶⁹ For this reason alone, the proposed pilot program voting system testing and certification requirements if adopted by the Commission would be *ultra vires*.

B. The Commission Has Not Complied with the Notice and Comment Requirements of the APA.

Adopting the testing requirements and manual would also violate the notice and comment procedures of the APA. These requirements ensure that the public is aware of and has a meaningful opportunity to be heard with respect to a proposed agency rule. A “rule” is broadly defined by the APA to include “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency” 5 U.S.C. § 551(4). A “rule making” means agency process for formulating, amending, or repealing a rule.” 5 U.S.C. § 551(5).

The APA sets forth the statutory requirements for notice and comment rulemaking. These requirements include that “[g]eneral notice of proposed rulemaking shall be published in the Federal Register,” which notice shall include “(1) a statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is

⁶⁷ See VVSG, *supra*.

⁶⁸ See generally Pilot Program Comment Notice, *supra* [Ex. C], Program Manual Comment Notice, *supra* [Ex. D]; EAC, *Voting System Pilot Testing & Certification Manual* (n.d.) (EAC Proposed Manual).

⁶⁹ See also *supra* note 63.

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proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.”⁷⁰ Once proper notice is given, “the agency shall give interested persons an opportunity to participate in the rulemaking through submission of written data, view, or arguments”⁷¹ Public comments are then to be taken into account by the agency in its consideration of the final rule, including whether the rule is appropriate.⁷²

Notice and comment under the APA is required for any rules that “grant rights, impose obligations, or produce other significant effects on private interests.” *National Ass’n of Home Builders v. U.S. Army Corps of Engineers*, 417 F.3d 1272, 1285 (D.C. Cir. 2005) (internal citation and quotations omitted) (nationwide discharge permits issued by Army Corps of Engineers under Clean Water Act were legislative rules subject to APA procedures); *see also Steinhorst Assocs. v. Preston*, 572 F. Supp. 2d 112, 123 (D.D.C. 2008) (rule promulgated by the Department of Housing and Urban Development regarding housing projects’ eligibility for restructuring of mortgage debt subject to notice-and-comment procedures). Similarly, the Court of Appeals for the Federal Circuit held that a “Dear Manufacturer” letter setting forth rebate requirements for drug companies participating in a government health plan was subject to notice and comment procedures, because it “change[d] existing law and affect[ed] individual obligations.” *Coalition for Common Sense in Government Procurement v. Sec. of Veterans Affairs*, 464 F.3d 1306, 1317 (Fed. Cir. 2006).

Rules that repeal existing rules must also abide by APA notice and comment rulemaking requirements. *Paralyzed Veterans of America v. West*, 138 F.3d 1434, 1435 (Fed. Cir. 1998). The proposed testing requirements and manual easily meet the definition of a rule subject to notice and comment under the APA since they seek to repeal the certification testing requirements of the VVSG with respect to voting systems to be used in pilot programs for uniformed and overseas citizens voting absentee. As explained below, the Commission’s statements to the contrary in the *Federal Register* for both the testing requirements and manual are incorrect.⁷³

Only “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice” are exempted from APA rulemaking notice and comment requirements.⁷⁴ As exceptions to a general rule, these exceptions to APA notice and comment requirements for rulemaking must be construed narrowly.⁷⁵

⁷⁰ 5 U.S.C. § 553(b).

⁷¹ 5 U.S.C. § 553 (c).

⁷² 5 U.S.C. § 553(c); *Louisiana Federal Land Bank Ass’n v. Farm Credit Admin.*, 336 F.3d 1075, 1080 (D.C. Cir. 2003).

⁷³ *See* Pilot Program Comment Notice, *supra* [Ex. C], Program Manual Comment Notice, *supra* [Ex. D].

⁷⁴ 5 U.S.C. § 553(b)(3)(A). The agency may also avoid the notice and comment procedures if it finds—and states in the public record—“good cause” that notice and public procedure is “impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. § 553(b)(3)(B). The Commission has published no such “good cause” here, and none exists. *See discussion infra*.

⁷⁵ *Steinhorst Assocs. v. Preston*, 572 F. Supp.2d 112, 119 (D.D.C. 2008).

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1. The Proposed Voting System Certification Testing Requirements and Manual Are Not Interpretive Rules.

In *American Mining Congress v. Mine Safety and Health Administration*, 995 F.2d 1106, 112 (D.C. Cir. 1993), the D.C. Circuit listed four factors that determine whether an agency rule is “legislative” or interpretive for the purposes of the notice and comment provisions of the APA: (1) whether, in the absence of the rule, there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure the performance of duties, (2) whether the agency has published the rule in the Code of Federal Regulations, (3) whether the agency has explicitly invoked its general legislative authority, or (4) whether the rule effectively amends a prior legislative rule. If any one of these factors is met, the rule is legislative and not interpretive.⁷⁶

The proposed certification testing requirements and manual clearly meet the first, third and fourth requirements. Section 1.2 of the manual states that under HAVA the Commission “has the sole authority to grant certification or withdraw certification at the Federal level, including the authority to grant, maintain, extend, suspend, and withdraw the right to retain or use any certificates, marks or other indicators of certification.”⁷⁷ HAVA itself does not set forth the requirements for certification, but delegates to the Commission the authority to “provide for the testing, certification, decertification and recertification of voting system hardware and software by accredited laboratories.”⁷⁸ In the absence of the certification testing requirements and manual, the Commission could not “confer [the] benefit” of certification or “ensure the performance of” the system requirements. Accordingly, the first *American Mining Congress* factor is met.

Because the Commission specifically refers to the authority granted it by HAVA to certify and decertify voting systems, the third requirement is also met. And, as previously discussed, the pilot program certification requirements would in effect repeal the VVSG for voting systems used in pilot programs. For each of these separate and independent reasons the proposed rules are not interpretive.

2. The Proposed Voting System Certification Testing Requirements and Manual Are Not Policy Statements.

The proposed certification testing requirements and related manual set forth mandatory procedures for the certification process, so they are not mere statements of policy. “The primary distinction between a substantive rule ... and a general statement of policy ... turns on whether an agency intends to bind itself to a particular legal position.” *Syncor International Corp. v. Shalala*, 127 F.3d 90, 94 (D.C. Cir. 1997). The use of “mandatory, definitive language is a powerful, even potentially dispositive factor” in determining if a rule is substantive as opposed to

⁷⁶ *Steinhorst Assocs.*, 572 F. Supp.2d at 119. In later cases, the D.C. Circuit has indicated that publication of a rule in the Code of Federal Regulations represents only a “snippet of evidence of agency intent.” *Id.* at 124 (quoting *Health Ins. Ass’n of America, Inc. v. Shalala*, 23 F.3d 412, 423 (D.C. Cir. 1994)).

⁷⁷ EAC Proposed Manual, *supra*.

⁷⁸ EAC Proposed Manual, *supra*, at § 231(a)(1).

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a mere policy statement. *Wilderness Society v. Norton*, No. Civ. A. 03-64 RMC, 2005 WL 3294006, at *11 (D.D.C. Jan. 10, 2005) (internal citation omitted).

The proposed certification testing requirements and manual provide for an appeals procedure if certification is denied (*see* Manual § 5), clearly indicating that the Commission intends to be bound by its pilot program certification rules. These proposed rules also employ mandatory language. *See, e.g.* Testing Requirements § 1.3.1 (“This document defines requirements for conformance of remote electronic voting systems ... that manufacturers ... *shall* meet”) (emphasis added). The proposed testing requirements and manual are therefore substantive rules not policy statements.

3. The Proposed Voting System Certification Testing Requirements and Manual Are not Procedural Rules.

Nor are the proposed certification testing requirements and manual mere procedural rules, because they “encode substantive value judgments” concerning the requirements for electronic absentee voting. In *National Association of Waterfront Employers v. Chao*, 587 F. Supp. 2d 90, 101 (D.D.C. 2008), the court held that an Administrative Law Judge’s adoption of an “anonymous claimant rule” in cases involving claims under the Longshore and Harbor Workers’ Compensation Act and Black Lung Benefits Act was substantive, not procedural. The court reasoned that by instituting the rule, “the Chief ALJ made a value judgment – he determined that in all claims for benefits under the Longshore Act and the Black Lung Act, the claimant’s privacy interest trumped the right to public access to administrative decisions and orders posted on the Internet.”

The testing requirements and manual set forth numerous value judgments concerning the requirements for an electronic absentee ballot system and for ensuring that approved systems meet these requirements. *See, e.g.*, Testing Requirements §§ 2.1 (“Accuracy”); 3 (“Usability”); 5 (“Security”); Manual § 6 (“Monitoring and Reporting”). These value judgments in turn implicate voters’ constitutional rights. *See Zessar v. Helander*, No. 05 C 1917 2006 WL 642646, *5 (N.D. Ill. Mar. 13, 2006) (“The right to vote by absentee ballot is not, in and of itself, a fundamental right. But once the State permits voters to vote absentee, it must afford appropriate due process protections...”); *see also Raetzl v. Parks / Bellemont Absentee Election Bd.*, 762 F. Supp. 1354, 1358 (D. Ariz. 1990).

Accordingly, the notice and comment requirements of the APA apply to the proposed voting system certification testing requirements and manual. Under the APA, the 15 day periods offered by the Commission to comment on these proposals—one 15 day period for the manual and two consecutive 15 day periods for the requirements—are each unreasonably short.

The appropriateness and adequacy of the 15 day period of public comment should be considered in light of the public comment periods provided by the Commission in the past for the adoption and modification of voting system guidelines. As previously discussed, in originally adopting the voting system guidelines, the Commission published notice in the *Federal Register* of a 90-day comment period. For the first proposed modifications to the voting system

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guidelines since their adoption by the Commission, the Commission has committed to two separate public comment periods of 120-days. In this context, it is unreasonable for the Commission to provide public comment periods of only 15 days for the proposed testing requirements and manual.⁷⁹

Executive Order 12866⁸⁰ recognizes that, under ordinary circumstances, *at least* a 60-day comment period is appropriate. Given the importance of establishing and maintaining federal minimum standards for voting systems to be used in federal elections, the period of time for the public to comment traditionally has been considerably longer. Moreover, these proposals simultaneously seek to eliminate requirements in the VVSG and to employ these weakened guidelines to “experimental” voting systems under circumstances in which the security risks to election integrity are greatest. They also are directed at U.S. citizens who are the least likely to obtain prompt notice of the opportunity to comment—those citizens living abroad and in the uniformed service, including those serving our country half-way around the world in war zones.

For all of these and other reasons, the Commission should withdraw the proposed pilot program voting system certification testing requirements and manual from consideration. Voter Action appreciates the Commission’s consideration of these objections.

Sincerely,



John C. Bonifaz,
 Legal Director, Voter Action

Enclosures

⁷⁹ On April 23, 2010, the Commission published in the Federal Register notice that it had erroneously published notice of the period to comment on the pilot program certification testing requirements as 15 days since the Commission had itself voted for a 30-day period. See 75 Fed. Reg. 21285 (Apr. 23, 2010). See also “Tally Vote Matter” sheets of EAC Commissioners (and EAC Chair Donetta Davison’s certification regarding same) approving March 30, 2010 6:00 pm deadline for 30-day public comment period for pilot program certification testing requirements [Ex. MM]. This is not harmless error as a second very short comment period precludes as did the first very short comment period actionable notice to would be commenters, denies thorough comments and puts those who submitted comments in haste to meet the 15 day deadline in the position of revealing their deliberative process should they now submit revised comments. For the proposed manual, the Executive Director of the Commission issued a waiver from the Commission’s own 30-day notice requirement for public comment. The waiver states that “the reason for the shortened public comment period is to allow for the UOCAVA pilot [voting] systems to be submitted under the [EAC pilot certification] program in time to allow them to be [EAC certified and] used in the 2010 general election *should a manufacturer desire to do so*. In addition, because much of the manual is taken from already approved EAC manuals there is very little new material to review for comment.” Waiver Request, *supra* (emphasis added). Ignoring the effect of omissions from rules establishing minimum voting system standards and trying to convenience voting machine manufacturers are not a valid reasons to abridge public comment under the APA or otherwise.

⁸⁰ Executive Order 12866 § 6(a) (Sept. 30, 1993); 58 Fed. Reg. 51735.

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cc: Gracia Hillman, Commissioner (without enclosures)
Gineen Bresso Beach, Commissioner (without enclosures)
Thomas R. Wilkey, Executive Director (without enclosures)
Tamar Nedzar, Associate General Counsel (without enclosures)
Brian Hancock, Director of Voting System Certification (without enclosures)

National

The New York Times

States Move to Allow Overseas and Military Voters to Cast Ballots by Internet

By IAN URBINA

WASHINGTON — Nearly three million overseas and military voters from at least 33 states will be permitted to cast ballots over the Internet in November using e-mail or fax, in part because of new regulations proposed last month by the federal agency that oversees voting. The move comes as state and federal election officials are trying to find faster ways to handle the ballots of these voters, which often go uncounted in elections because of distance and unre-

able mail service. About 22 percent of military and overseas voters were unable to return their ballots in the 2008 election because of such problems, according to the Overseas Vote Foundation, a nonpartisan advocacy group. Cybersecurity experts, election officials and voting integrity advocates, however, have raised point out that e-mail messages can be intercepted, that voting Web sites can be hacked or taken down by malicious attackers, and that the secrecy of ballots is hard

to ensure once they are sent over the Web. The commission's decision basically takes the hazards we've seen with electronic voting and puts them on steroids," said John Bonifaz, legal director of Voter Action, a nonprofit voting rights group that sent a letter last month to the Election Assistance Commission, the agency that released the proposed guidelines. A handful of states has allowed voters to cast ballots by e-mail or fax in prior elections, though the methods were usually limited to residents from specific pilot

counties or to military voters in combat zones. The coming election will be the first in which Internet voting will play a major role, now that 33 states have passed measures to allow their voters to cast ballots over the Internet. Critics of the increased use of Internet voting say the commission is violating federal law by not allowing enough time for public comment on the guidelines and by circumventing the technical board that is supposed to review any such new regulations. In 2008, about 2.9 million peo-

ple overseas from the 33 states that now allow Internet voting were eligible to vote, according a 2008 study by the United States Election Project at George Mason University. About 507,000 of them requested ballots. State election officials have been pushing hard for better ways to handle overseas voters, and many have said they plan to use Internet voting. Last year, Congress mandated that the election commission create guidelines for pilot programs to assist overseas voting, including Internet voting. While the

commission's certification of voting technology is not mandatory, most states seek it. Jeannie Layson, a spokeswoman for the commission, emphasized that the proposed guidelines, which will be finalized this month, are still only in draft form, that they would apply to only the November election and that new regulations would be devised for later elections. "The E.A.C. hopes that the work we do in 2010 will assist states already running pilot pro-

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States Move To Allow More Voting On Internet

From Page 17

grams to improve services for military and overseas voters," Ms. Layson said.

A number of high-profile cases of hacking, including an attack on Google this year and on the national electrical grid and air traffic control systems last year, have raised new concerns about the security of Internet voting. And razor-thin margins of victory are anticipated in dozens of House, Senate and governor's races this year, creating an added potential for disputed elections.

Critics of the new guidelines say they are flawed because they allow voting machine vendors to do some of the performance and security testing themselves. The results of those tests will then be submitted to the commission for certification.

Most security experts support the idea of using the Internet for registering to vote and for accessing blank ballots, but not for transmitting completed ballots.

Some lawmakers have vowed to slow the shift toward Internet voting.

Representative Carolyn B. Maloney, Democrat of New York, and Representative Michael McCaul, Republican of Texas, are working on legislation to establish a two-year moratorium on the electronic submission of ballots until stronger security standards are established.

Representative Rush D. Holt, Democrat of New Jersey, has a bill pending that would in effect ban Internet voting.

The Defense Department decided last year not to create its own Internet voting system until it first receives recommendations from a technical advisory committee that was created by the Help America Vote Act, which Congress passed in 2002.

Last year, the Pew Center on the States found that more than one-third of states did not provide military voters stationed abroad with enough time to vote.

Initial steps have been taken to address the problem. In last year's Defense Department authorization bill, several provisions were added, including one requiring all states to provide military voters with ballots at least 45 days before the election.

It also allowed states to initiate pilot programs for testing the use of Internet voting, but some states have misinterpreted that as requiring such systems.

Most of the states that have created pilot programs for Internet voting will allow voters to send completed ballots as an e-mail attachment. Others use fax, which used to be limited to phone lines. But because of the growing use of voice-over-Internet phone service, faxes are increasingly being sent on the Web.

"We have nothing but positive things to say about our experience," said Pat Hollarn, who retired last year as supervisor of elections for Okaloosa County, Fla., which has allowed voters to cast ballots via e-mail since 2000. Ms. Hollarn said she continued to support expanded Internet voting.

She explained that rather than allowing voters to cast ballots by e-mail, her county uses encryption software and sends these ballots through a protected virtual private network. The voters can cast ballots only from special kiosks in the foreign country.

Richard A. Clarke, a cybersecurity expert and the former counterterrorism chief under Presidents Bill Clinton and George W. Bush, said he remained skeptical about ballots being sent over the Internet.

"The ultimate solution is for some foundation or organization to put up a large cash prize and take actual voting systems that will be used and allow anyone to try to hack them," he said.

Chris Whitmire, a spokesman for the South Carolina Election Commission, said that his state had been receiving ballots by e-mail and fax since 2006 and that he had heard no complaints from voters who chose those methods.

"What we do hear is thanks from voters who previously couldn't get their ballots returned in time," he said, explaining that voters receive a blank ballot attached to an e-mail message, print it, mark it by hand, scan it and send it back to be counted.

Johnnie McLean, the deputy director for administration at the North Carolina State Board of Elections, which has offered overseas and military voters the option to use e-mail or fax for their ballots since 2006, said that when she gets a call from a soldier overseas who has missed deadlines but wants to vote, she is glad she has the e-mail option.

"Even though there are security issues," Ms. McLean said, "those soldiers are real happy, too, that they don't have to lose their right to vote."



The Honorable Daniel E. Lungren, Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6167

February 15, 2011

**RE: Hearing of February 15, 2011:
"Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election"**

Dear Chairman Lungren,

We thank the Committee for its commitment to overseas and military voters as well as its efforts to continue to examine the causes and possible solutions to ongoing problems of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voting process.

Overseas Vote Foundation (OVF) is a nonprofit, nonpartisan organization that helps overseas and military voters participate in federal elections. We do this by providing public access to interactive web services including voter registration, ballot download, election official contact information, dates and deadline information, voter help desk and express ballot return services.

We would like to call your attention to the results of our expansive 2010 Post Election Survey, which bring unbiased, non-politicized insights into the real issues facing military and overseas voters and recommendations for increasing participation. Our results are based on the responses of **5,257 overseas and military voters** in 140 countries, and more than **1,500 local election officials** in the United States.

The report ("Moving Forward: 2010 OVF Post Election UOCAVA Survey Report and Analysis") reveals a measurably positive impact of the Military and Overseas Voter Empowerment (MOVE) Act on military and overseas voter participation while making clear that the reforms have yet to be completely or effectively implemented across all electoral jurisdictions.

As detailed in the survey findings, the most marked positive impact was a decrease of 15 percentage points in 2010 over 2008 in the number of voters who dropped out of the process and did not vote because their ballots were lost or late.

The report breaks this down further:

- In 2010, 82 percent of voters received the ballot they requested; this represents a five percent improvement over 2008.

- Only 16.5 percent of 2010 overseas voters said they received their ballots after the middle of October; while MOVE is designed to decrease this number to zero percent, this still represents a significant decrease from 2008, when 28 percent of overseas voters reported receiving their ballots in late October.


The success of the MOVE Act reforms in 2010 was mitigated, however, by other survey findings, including a high level of confusion among voters and election officials around registration/ballot request form re-filing requirements in 2010; a measurable lack of efficiency in new ballot request methods via email and fax in comparison to delivery via the postal system; and low marks from local election officials for new online ballot delivery and online ballot tracking techniques.

To improve upon these areas of weak performance in 2012, OVF makes six specific recommendations in our report, including: a request for legislative review of UOCAVA in light of the MOVE Act 2010 implementation; encouragement to the states to adopt the proposed Uniform Military and Overseas Voter Act (UMOVA) drafted and approved by the Uniform Law Commission; and a call for the federal and state governments to increase communications and outreach to overseas and military voters.

The complete survey report is submitted with this letter for inclusion on the record as official testimony, and is also available at:

https://www.overseasvotefoundation.org/files/OVF_2010_Post_Election_Survey_Report.pdf

Sincerely,



Dr. Claire M. Smith
Research Program Director
Overseas Vote Foundation

Wallace, Joe

Subject: FW: For the record

Test Hackers Crack D.C. Internet Voting System

Online Voting Ends After System Determined to be Too Vulnerable

By [TONYA LAFLEUR](#)

Updated 3:16 PM EST, Thu, Oct 14, 2010



For Florida, it was hanging chads. In Washington, D.C. it was nearly electronic ballots.

District election officials avoided a potential international embarrassment with the recent removal of its vulnerable Internet voting system.

A University of Michigan computer science professor and his doctoral students worked to see what flaws that could find with the website -- and it took just 36 hours for Dr. J. Alex Halderman and his team to hack into the server.

Once inside the system, the team was able to do quite a bit of damage, including changing all the votes already cast and access personal information of all eligible voters.

They also rigged the system to play the University of Michigan's fight song every time someone cast an online ballot.

The good news is that the hacking was only a test. No real votes were compromised.

Another potentially scary scenario was also uncovered during the students' test run: It turns out that real-life hackers from China and Iran had tried -- unsuccessfully -- to break into D.C.'s voting system.

"The danger of Internet voting is that we just don't know how to make a system like this secure, given the limitations of today's technology," said Halderman.

Most people using D.C.'s online voting system have been military servicemembers stationed overseas. They can still download ballots online, but will have to mail them instead of submitting them electronically.

Thirty-three states currently use Internet voting. Some states allow voting by fax.

Ricky Le
Legislative Counsel
Office of Rep. Zoe Lofgren (CA-16)

Professional Staff
Committee on House Administration