



Washington  
Secretary of State  
SAM REED

Legislative Building  
PO Box 40220  
Olympia, WA 98504-0220  
Tel 360.902.4151  
Fax 360.586.5629  
www.sos.wa.gov

May 3, 2010

Mr. Chris Herren  
Acting Chief  
Voting Section, Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

RE: the MOVE Act

Dear Mr. Herren,

Thank you for your April 7, 2010 letter asking about Washington State's compliance with the Military and Overseas Voter Empowerment (MOVE) Act.

Background:

Washington State has 5 major military installations: Fairchild Air Force Base, Naval Base Kitsap, Naval Air Station Whidbey Island, Naval Station Everett, and Joint Base Lewis-McChord. In the 2008 General Election, over 67,400 ballots were mailed to UOCAVA voters, with 73% returned, and 99% of those returned counted.

Washington State has extensive experience with absentee voting. Elections are conducted entirely by mail in 38 of our 39 counties, and absentee voting is the predominant voting method in the one remaining county that offers polls. This broad experience with voting by mail allows us to serve our UOCAVA voters well. In addition, Washington tracks UOCAVA voters as part of our voter registration system. These voters are specifically flagged in the voter registration system as UOCAVA voters to relieve them of the hassle of specifically requesting a ballot each election. Instead, our UOCAVA voters are automatically sent a ballot early for each election, regardless of whether the voter has a particular interest in voting in that election. This practice minimizes the reliance on the voter *requesting* a ballot.

Electronic Transmission of Voter Registration Applications and Absentee Ballot Applications:

Since January 2008, Washington State has allowed voters to register online. Applicants who have a Washington driver's license or state ID card can complete the application entirely online. Washington was the second state in the country, after Arizona, to offer this service. (Go to [www.vote.wa.gov](http://www.vote.wa.gov) and click the icon for "online voter registration.") If an applicant does not have a Washington driver's license or state ID card, the applicant is immediately directed on the website to a .pdf voter registration application that the applicant can print, fill out, and mail in. If the applicant would like to receive a paper application through the mail, the applicant can fill out a request on the website, email our office, or call our office. Finally, Washington accepts the FVAP and EAC voter registration applications for *all* elections, not just federal elections.

Electronic Transmission of Blank Ballots:

Many counties in Washington have been emailing blank ballots to UOCAVA voters for over ten years. All counties in Washington will now be emailing blank ballots to those UOCAVA voters who prefer that delivery method. The emails will either have a ballot attached, or have a link to a website where the ballot will be available online. 36 counties will have blank ballots available on online for download at anytime

during the election period. Blank ballots, election information, confirmation of voter registration, voters' pamphlets, and lists of elected officials are available in Washington's personalized online voter information system called MyVote. (Go to [www.vote.wa.gov](http://www.vote.wa.gov) and click the icon for "MyVote.") Additionally, Washington State is participating in FVAP's "Voting Support Wizard Pilot Project."

During the 2007, 2008, 2009 and 2010 legislative sessions, our office submitted legislation to the Washington State Legislature to authorize UOCAVA voters to return voted ballots electronically. The 2007, 2008 and 2010 bills would have allowed UOCAVA voters to return ballots as an email attachment, as long as the oath required for all absentee ballots accompanied the ballot. The 2009 legislation would have allowed UOCAVA voters to vote over the internet. Unfortunately, none of these bills have passed the Washington State Legislature.

#### Transmission of Ballots 45 days before Election Day:

Washington State requires ballots to be *postmarked* no later than Election Day, and received no later than certification of the election. Washington does not require ballots to be *received* by Election Day. Our current law provides 45 days of transit time for all Primary and Special Elections, and 51 days of transit time for all General Elections. We currently send ballots to UOCAVA voters 30 days before Election Day, and the ballot can be returned up to 15 days after Election Day for a Primary or Special Election, and up to 21 days after Election Day for a General Election. The schedule of 2010 election dates in Washington is:

Tuesday, August 17	Primary
Wednesday, September 1	County Canvassing Boards certify the Primary
Tuesday, September 7	Secretary of State certifies candidates for the General Election
Saturday, September 18	45 day MOVE Act deadline
Sunday, October 3	30 day Washington deadline

The Secretary of State's Office recently consulted with the seven counties that have the highest UOCAVA voter populations. While many counties were confident that they could meet the 45 day deadline for ballots sent by email, they did not feel confident that they could meet the 45 day deadline for ballots sent by postal mail. Consequently, Washington plans to apply for a hardship waiver to the 45 day requirement. Following the 2010 elections, Washington is going to re-examine whether we can comply with the 45 day deadline in future federal elections. Washington does not hold run-off elections.

#### Confirming Receipt of the Ballot:

Absentee ballot materials will include instructions to the UOCAVA voter on how he or she can confirm that the voted ballot has been received by the county elections office. These instructions must be on material that the voter can keep with him or her after the ballot has been returned. In all counties, the voter will be able to email the county elections office to inquire whether his or her ballot has been received. Additionally, in 37 of Washington's 39 counties, the voter will be able to log onto a website to find this information. Those methods will be included in the instructions to voters. While a voter can also call the county elections offices to learn whether the ballot has been received, the Secretary of State's Office is not advocating that the instructions promote use of a 1-800 phone number since 1-800 numbers generally do not work overseas.

#### Rejecting a Ballot based on Notarization or Paper or Envelope Size:

Washington does not require that ballots be notarized, or that ballots or envelopes be a particular shape or paper weight. To the contrary, Washington has had a policy for many years that County Canvassing Boards must accept votes on any document, not just the ballot issued, as long as a validly signed oath accompanies the ballot (WAC 434-261-075; WAC 434-235-040).

#### FPCA as a Standing Ballot Request:

The change in Section 104 regarding the Federal Post Card Application as a standing application to receive an absentee ballot does not impact Washington. Under our current law, we automatically send

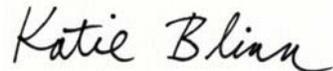
an absentee ballot to all registered UOCAVA voters every election; a UOCAVA voter does not have to proactively request a ballot for each election. UOCAVA voters are exempt from the voter registration deadlines, and do not have to be registered in order to request a ballot. If a UOCAVA voter is not already registered in Washington and submits an FPCA, the voter will immediately be registered and then automatically mailed an absentee ballot for every subsequent election (WAC 434-235-020).

FWAB for all Federal Elections:

Washington already accepts the Federal Write-in Absentee Ballot for *all* elections, not just federal elections (WAC 434-235-030).

Washington is eager to accommodate our military and overseas voters in the 2010 elections. If you have any further questions, please do not hesitate to contact me at (360) 902-4168 or [katie.blinn@sos.wa.gov](mailto:katie.blinn@sos.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Katie Blinn".

Katie Blinn  
Assistant Director of Elections