



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

October 20, 2004

The Honorable Rebecca Vigil-Giron
Secretary of State
State Capitol, Room 420
Santa Fe, NM 87503

Dear Secretary Vigil-Giron:

The Federal Voting Assistance Program (FVAP), in carrying out the responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*, provides information and materials to *UOCAVA* citizens to ensure they understand how to participate in the democratic process.

As required by *UOCAVA*, the Federal Write-In Absentee Ballot (FWAB) form has been prescribed by FVAP to serve as an emergency ballot for those *UOCAVA* citizens who do not receive their requested state absentee ballot. The FWAB is available through Voting Assistance Officers at military installations, U.S. embassies and consulates, and from U.S. citizen organizations overseas.

Congress recently passed the National Defense Authorization Act for Fiscal Year 2005. This Act, after enactment via the President's signature, expands the use of the FWAB to include Uniformed Services members, and their voting age dependents, who are in the United States but are away from their voting residences during Federal general elections. Formerly, a member of the Uniformed Services would have to be outside the U.S. in order to use the FWAB. A second change is the deadline for receipt of the ballot request which determines if the FWAB will be counted. Under the new law, the citizen must still request an absentee ballot, and the request must be received by the election official at least thirty days prior to the general election or state deadline, whichever is later.

Other provisions for usage of the FWAB remain unchanged, including:

- The citizen must be eligible to vote in the jurisdiction from where the absentee ballot was requested.
- For citizens who are not Uniformed Services members or their voting age dependents, the FWAB must be mailed and postmarked from a location outside the U.S.
- The FWAB will be accepted by the state if the FWAB is received by the state deadline for counting, and the state ballot does not arrive by the deadline.

I recently notified you of the development of an official on-line version of the FWAB. I anticipate the implementation of the on-line form within the next few days and will notify you when the form is posted.

By working together, we can continue to provide an alternative and expeditious methods for citizens of New Mexico to cast their vote for Federal offices (or for other offices as allowed by the state).

If you have any questions about this legislation, please call me or Scott Wiedmann, Deputy Director, FVAP on (703) 588-1584 or 1-800-438-8683.

Sincerely,

A handwritten signature in black ink, appearing to read "P.K. Brunelli".

P.K. Brunelli
Director