



**DEFENSE HUMAN RESOURCES ACTIVITY
FEDERAL VOTING ASSISTANCE PROGRAM**
4800 MARK CENTER DRIVE, SUITE 03J25-02
ALEXANDRIA, VA 22350-4000

March 1, 2017

Director Robert A. Brehm and Director Todd Valentine
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207

Dear Director Brehm and Director Valentine:

I am writing today with regard to the New York State Assembly Bill 5465, specifically the requirement that *UOCAVA* voters provide government issued ID in order to apply for, or submit, their absentee ballot. As you are aware, the Federal Voting Assistance Program (FVAP) is the Department of Defense program charged with administering the federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act*, or *UOCAVA*. Our mission is to help ensure Service members, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to successfully do so.

When registering to vote by mail, citizens covered by *UOCAVA* are exempt under 52 U.S.C. § 21083(b)(3)(C) from State requirements to provide a copy of a valid photo identification or other documentation that shows the name and address of the voter as defined in 52 USC § 21083(b)(1) when attempting to vote by mail. As such, our view is that Assembly Bill 5465's current language that *UOCAVA* voters provide identification when applying for, or submitting, their ballot may likely be in conflict with federal statute.

UOCAVA voters, particularly those stationed or residing overseas, face complexities in the voting process that in-person or State absentee voters do not face. The original intent of the Federal Post Card Application (FPCA) was to allow *UOCAVA* voters to simultaneously register and request an absentee ballot. By swearing to the oath on the form prescribed by FVAP, voters would meet minimum qualifications to vote in federal elections. Requiring additional identification or proof of eligibility, in addition to the information provided on the FPCA, adds to the burden *UOCAVA* voters face when attempting to vote in federal elections. The voter would be forced to locate documents and the equipment necessary to photocopy and submit those additional documents to their local election official, a condition difficult to achieve depending on their geographic location and available infrastructure.

Please contact Mr. Nate Bacchus, FVAP State Affairs Specialist, at nate.a.bacchus@fvap.gov with any questions, concerns or comments you may have.

Thanks for all you, your staff and colleagues in the New York Board of Elections do to support and assist our military and overseas voters. We look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink, which appears to read "David Beirne", is written over a horizontal line.

David Beirne
Director