

Director's Office



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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

May 5, 2010

Mr. Robert Carey, Director
Federal Voting Assistance Program
Department of Defense



Re: MOVE Act Hardship Exemption Request

Dear Director Carey:

On October 28, 2009 President Barack Obama signed into law the National Defense Authorization Act. Subtitle H of that law, known as the Military and Overseas Voter Empowerment Act (MOVE), amended parts of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The State of Alaska is contacting you regarding the amendment 42 USC § 1973ff-1 (a)(8)(A) requiring states to transmit absentee ballots to UOCAVA voters no later than 45 days prior to a federal election, effective November 1, 2010.

In accordance to 42 USC § 1973ff-1 (g), a state may seek a hardship exemption. Pursuant to this section, the State of Alaska hereby submits its application for a waiver from the requirement of (a)(8)(A) set below:

42 USC § 1973ff (g)(1)(A) requires states demonstrate "a recognition that the purpose of such subsection is to allow absentee uniformed services voters and overseas voters enough time to vote in an election for Federal office:"

The State of Alaska recognizes the purpose of 42 USC § 1973ff-1(g)(1)(A) is to provide uniformed services and overseas voters enough time to vote in an election for Federal office. The State of Alaska understands the importance of ensuring that uniformed and overseas voters have sufficient time to vote. Alaska will continue to mail special advance ballots beginning on the 60th day prior to an election through the 28th day prior to the election to overseas military and overseas citizens. The special advance ballot is a blank



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ballot that contains the names of the races to be voted on but does not contain candidate names. The appropriate candidate list is sent along with the special advance ballot as well as instructions for the voter to follow for voting the ballot.

Alaska law allows for voted ballots to be received by the division of elections, when mailed domestically, 10 days after Election Day and, when mailed from overseas, 15 days after Election Day.

42 USC § 1973ff-1 (g)(1)(B) requires that states provide "an explanation of the hardship that indicates why the State is unable to transmit absentee uniformed services voters and overseas voters an absentee ballot in accordance with such sections;"

The State of Alaska's primary election date prohibits it from complying with (a)(8)(A). Under state law, primary elections are to be held the fourth Tuesday in August in every even-numbered year. Alaska law allows for absentee ballots to be received up to 15 days after Election Day when mailed from overseas. The certification process of the Primary Election does not begin until after the 15th day following the election and can take up to two weeks. The division anticipates a target certification date for the 2010 Primary Election of September 17, as shown in the timeline below:

Primary Election Day	August 24
Last day to receive absentee ballots mailed from overseas	September 8
Final count of ballots	September 9
Candidate withdrawal deadline for general election	September 15
Target Date for certification of Primary Election	September 17
Deadline to request recount	September 21
General Election Ballot Certified for printing (depending on recount)	September 17 - 22
45 th day prior to General Election	September 18

As you can see from the above timeline, the 45-day deadline to mail ballots to military and overseas voters does not provide Alaska with adequate time to meet the requirement. The 45-day deadline would give Alaska only three days from the candidate withdrawal deadline and only one day from the primary certification date to get the official ballot