

## **Exhibit B**

August 19, 2008

Ms. Nancy Rodriguez  
Secretary, State Board of Elections  
200 N. 9th St., Ste. 101  
Richmond, VA 23219-3497

Dear Ms. Rodriguez:

As we approach the 2008 general election, the Department of Defense and the Department of Justice seek your continued cooperation in ensuring that Uniformed Services members and overseas citizens have a full opportunity to vote in this election. We are certain you share our commitment to ensuring that these citizens have a reasonable opportunity to vote by absentee ballot in this year's important elections to select our nation's leaders.

The Secretary of Defense is responsible for administering the Federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. That authority is delegated to the Director, Federal Voting Assistance Program (FVAP). The Department of Justice's Civil Rights Division is charged with enforcing *UOCAVA*.

Officials in both Departments have been working closely to eliminate barriers to absentee voting and remedy absentee ballot transit problems and delays due to uncertain mail delivery in many parts of the world. We will continue to work with state and local officials to address potential problems when delays in transmitting ballots arise and to protect the voting rights of *UOCAVA* citizens.

The FVAP and the Department of Justice support and encourage state-sponsored initiatives to enhance voting opportunities for absent Uniformed Service members and overseas residents. It is particularly important to allow at least 45 days ballot transit time for the overseas ballots since many of our Uniformed Services personnel are deployed to combat areas in Iraq and Afghanistan or are serving in remote regions. A number of states are using electronic means to send and/or receive Federal Post Card Application forms, as well as ballots. We ask you, as the Commonwealth's chief election official, to:

- Encourage local election officials to use expedited postal methods to deliver absentee ballots to *UOCAVA* citizens, especially those in remote areas.
- Review your existing options if regular ballots cannot be mailed 45 days prior to the election (*e.g.*, sending out back-up special write-in absentee ballots) and seek the legal authority to adopt emergency procedures, where necessary.
- Utilize the full measure of your legislative or regulatory authority to permit *UOCAVA* voters to apply for, receive and return absentee ballots by both facsimile and electronic mail methods, in addition to traditional mail delivery. Procedures to consider include:
  - Allow the voter to fax or email the registration and ballot request to election officials.
  - Allow election officials to fax or email the blank ballot to the voter.
  - Consider a faxing/email option for return of voted ballots. If the Commonwealth

currently does not allow voting materials to be transmitted via email, but does allow faxing, FVAP has enhanced its Electronic Transmission Service to receive faxed voting materials from election officials and forward them as email attachments to the voter. This option will provide a viable alternative for Uniformed Services members stationed in combat zones and other overseas areas. Due to the security measures taken by the military, the capability for unclassified fax transmissions is not available to many of our service members in these regions, but email transmissions are an option for many. After receiving an email of the voted ballot from Uniformed Services members and other overseas voters, FVAP can forward the transmission to the states as a fax document to comply with state law. A cover sheet provides full information on how the transmission was completed.

Since 1990, FVAP has provided toll-free electronic transmission for faxing of election materials between voters and election officials. This service is available to state and local officials at 1.800.368.8683.

Adoption of these instantaneous methods of transmittal, with appropriate safeguards to protect the integrity and security of voted ballots, will help ensure that overseas voters are not disenfranchised due to mail delays, especially in combat and remote areas.

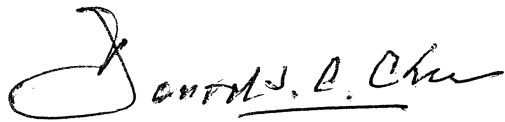
Additionally, we urge you to monitor your local election officials' ballot mailing schedule to ensure that ballots are sent to *UOCAVA* voters in enough time to allow voters to receive and return the ballot by the state's deadline. We ask that you monitor the date ballots are sent, the number of military voters (both inside and outside the U.S.) who have requested ballots, and the number of overseas citizens who have requested ballots. We ask that you compile the information from your local jurisdictions and report it to the FVAP beginning 45 days before the general election. For your reference, attached is a sample ballot transit reporting form, which may be adapted to assist in collecting this information from your local election offices.

As you know, under Section 102(c) of *UOCAVA*, 42 U.S.C. 1973ff-1(c), not later than 90 days after the Federal general election, the Commonwealth is required to submit a report to the Election Assistance Commission on the number of absentee ballots sent to and returned and cast by *UOCAVA* voters. Thus, monitoring your local election officials' *UOCAVA* ballot totals and mailing schedules not only will ensure the Commonwealth has advance notice of any unexpected problems or delays requiring corrective action, but also should facilitate the Commonwealth's compilation of data required by *UOCAVA*.

We also remind you that under *UOCAVA*, citizens who submitted a valid Federal Post Card Application (FPCA) request are entitled to receive ballots for each subsequent election for Federal office through the next two general elections. Accordingly, local election officials should be reminded to review all FPCAs in their files that have been received since November 3, 2004, to ensure that all eligible *UOCAVA* citizens receive ballots to which they are entitled for this year's elections for Federal offices.

We appreciate your prompt attention to this important issue. Please advise the FVAP by September 3, 2008, of your plans to monitor the mailing of *UOCAVA* ballots, and any other actions you intend to take to help our Uniformed Services personnel, their family members, and overseas citizens register and vote in the 2008 elections. We look forward to coordinating with you in this endeavor.

The FVAP point of contact is John Godley. His email address is [john.godley@fvap.ncr.gov](mailto:john.godley@fvap.ncr.gov) and phone number is 1.800.438.8683 or 703.588.1584. The Department of Justice contact is Rebecca J. Wertz, Deputy Chief in the Voting Section, Civil Rights Division. Her phone number is 1.800.253-3931 or 202.514.6342 (fax number 202.307.3961).



David S. C. Chu  
Under Secretary of Defense  
for Personnel and Readiness  
Department of Defense



Kevin J. O'Connor  
Associate Attorney General  
Department of Justice



Polli Brunelli  
Director, Federal Voting  
Assistance Program  
Department of Defense



Grace Chung Becker  
Acting Assistant Attorney General  
Civil Rights Division  
Department of Justice

Attachment:  
As stated

SUBJECT: UOCAVA Absentee Ballot Mailing Dates  
 \_\_\_\_\_ Election — Tuesday, \_\_\_\_\_

For many years, the Federal Voting Assistance Program (FVAP) has monitored local jurisdictions in each state to determine when ballots are being mailed to citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. This is to ensure that these citizens have as much time as possible to receive, vote, and return their absentee ballots. Your state has specified that local election officials mail absentee ballots NLT \_\_\_\_ days before the election.

INSTRUCTIONS: Provide the information requested below before close of business on \_\_\_\_\_ by faxing this form to **703-696-1352** or scanning and emailing the document to **ballotmonitoring@fvap.ncr.gov**. When returning the fax, a cover sheet is not necessary.

EXPLANATION OF TERMS:

- **Military:** Includes both service members and their dependents.
- **Overseas:** Includes all countries other than the U.S. (even Canada, Mexico, Central, and South American countries). Make your best effort to determine if military are in the U.S. or overseas. The use of an APO/FPO address usually indicates an overseas location.
- **Number of ballot requests:** Upon receipt and approval of an FPCA from a UOCAVA citizen, the State shall provide the citizen with ballots for each subsequent election for Federal office through the next two general elections. This became effective January 1, 2004 as per Sec. 104 (a) of UOCAVA.
- **Initial Mail Date:** Refers to the first day that you began to mail ballots.
- **Date ballots available:** Refers to when the absentee ballots are printed and ready to send out.
- Use the **Comments** field to note extenuating circumstances such as office closed due to flooding, printing delay, ballot availability delayed due to lawsuit, etc.

	MILITARY IN THE U.S.	MILITARY OVERSEAS	OVERSEAS CITIZENS
# OF BALLOT REQUESTS RECEIVED (Including those requests that are still valid from previous elections)			
# OF BALLOTS MAILED FOR THIS ELECTION			
INITIAL MAIL DATE FOR THIS ELECTION	____/____/____ MM DD YEAR	____/____/____ MM DD YEAR	____/____/____ MM DD YEAR

Date ballots available: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 MM DD YEAR

Please provide an explanation below if (1) the number of ballots sent is lower than the number of requests received; (2) the ballots have not yet been mailed; and (3) any additional information you wish to provide.

---



---



---

Printed Name and Title of Person Completing Form:

---

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 MM DD YEAR

Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Email address: \_\_\_\_\_@\_\_\_\_\_