

# STATE OF COLORADO

## Department of State

1700 Broadway  
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Denver, CO 80290



**Bernie Buescher**

Secretary of State

**Judd Choate**

Director, Elections Division

4 August 2010

*RE: MOVE 45-Day Ballot Mailing Period Waiver Request*

Dear County Clerks:

This afternoon, my office filed a waiver request to the Federal Voting Assistance Program (FVAP) as allowed under the Military and Overseas Voter Empowerment (MOVE) Act of 2009. If granted, this waiver would allow Colorado's county clerks to mail ballots within the 45-day ballot mailing period mandate set out in MOVE. Under Colorado's current statutory regime, military and overseas voters and their qualified spouses and dependants are mailed a ballot no later than 30 days prior to the general election. The MOVE Act extends this period to 45 days.

My office enthusiastically supports each element of the MOVE Act, not least of which is the 45-day ballot mailing period mandate. In fact, Colorado has long been a national leader in providing voting alternatives to military and UOCAVA voters. Even prior to MOVE, Colorado allowed virtually every available form of ballot transmission both to and from our military electors and their qualified spouses or dependants. For instance, should an overseas military elector or that person's qualified spouse or dependant wish to receive that ballot by email, Colorado law allows for the email transmission of the blank and voted ballot. Furthermore, the elector may request fax transmission of the blank ballot, and may return his/her ballot by fax, if they so choose. Finally, our office is cooperating with the Federal Voting Assistance Program (FVAP) to test an online ballot delivery process in five Colorado counties. When successful, this will serve as a model for future elections. Even if a ballot is received after November 2<sup>nd</sup>, Colorado law allows for ballots to be counted up to eight days after the election for overseas military and their qualified spouse and dependant.

On behalf of Colorado's county clerks, we submitted the MOVE waiver request because Colorado's electoral calendar, as set out in Colorado Revised Statutes, makes compliance with the 45-day mandate extremely difficult in light of the late ballot certification date. That said, we believe that if the counties and my office work together the vast majority of Colorado's counties can comply with the 45-day ballot mailing period mandate. To do so, the counties will need to work with their vendors and/or ballot printers to print, proof, test, and mail ballots as quickly as humanly possible following September 3<sup>rd</sup> ballot certification.

We strongly encourage each county clerk to make every effort to meet the 45-day ballot mailing period mandate. It is our goal that every UOCAVA ballot is sent prior to the 45-day ballot mailing period deadline, thus making the waiver request mute.

Please call on my office if we can help to expedite this process.

Sincerely,

Bernie Buescher  
Colorado Secretary of State