

October 8, 2004

Edward Keefe
(1800 G Street, #7254)
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Voting Section, 1800G
Washington, D.C. 20530

Dear Mr. Keefe:

I write to confirm a series of recent telephone discussions between your office and our office, including discussions between your office and our legal counsel at the Office of the Attorney General. We have discussed the requirement under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) that states make absentee ballots available to overseas and military voters in a timely manner. You have requested our assurance that all such ballots will be mailed no later than today.

As has been discussed, our office has consulted with election officials in all 39 Washington counties regarding this matter. Based upon that consultation, I can represent that all counties will have ballots in the mail today to overseas and military voters. In most cases the counties are sending regular state absentee ballots. Several counties will use the federal write-in form authorized by 42 U.S.C. § 1973ff-2, followed by sending a regular state absentee ballot. Those counties are Franklin, Pend Oreille, San Juan and Whatcom.

We understand that mailing by this date is sufficient to resolve concerns over the length of time that overseas and military voters will have to receive, vote, and return their ballots. Since we all agree that providing sufficient time for these voters is an important mutual objective of federal, state and local government, we appreciate your cooperation in resolving this matter.

Sincerely,

Nick Handy
Director of Elections
Office of Secretary of State
State of Washington