

SUPPORTING STATEMENT

A. JUSTIFICATION

1. Need for the Information Collection

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. 1973ff, requires the Presidential designee (Secretary of Defense) to prescribe the Federal Write-In Absentee Ballot for absent uniformed service voters and overseas voters in general elections for Federal office. The form serves as a backup ballot for voters who did not receive their State ballot with enough time to vote and return it to their local election official. The authority for the States to collect personal information comes from UOCAVA. The burden for collecting this information resides in the States. The Federal government does not collect nor retain any personal information associated with this form.

2. Use of the Information

The collected information will be used by State and local election officials in determining the eligibility of the uniformed services and overseas citizens who submitted the information as an affirmation that they are eligible to vote in that jurisdiction. Additionally, the ballot portion of the form is used by the State and local election officials as an absentee ballot and is counted following normal State absentee ballot counting procedures. Additionally, the collected information will be retained by the State and local election officials that allow the form to be used for voter registration to provide election materials, including absentee ballots, to the uniformed services, their eligible family members and overseas voters during the form's eligibility period provided by State law. No information from the Federal Write-In Absentee Ballot is collected by or retained by the Federal government.

3. Use of Information Technology

The Federal Write-In Absentee Ballot requires that the submitter sign the form prior to sending to the State or local election official. This signature is used by State and local election officials to verify the voter's signature on a previous voter registration card, ballot request form and other election materials. There is no provision for State and local election officials to use digital signatures as a substitute for the handwritten signature.

4. Non-duplication

The voter uses the form when they have requested an absentee ballot from their State, but have not received one close to Election Day. Voters are not required to use the form however it may be necessary to use this form multiple times in an election cycle.

Uniformed service and overseas voters in States that allow the form to be used to apply for voter registration may end up using the form more than once for the same election if they do not receive their requested ballot and follow up again with the FWAB as a backup ballot.

5. Burden on Small Business

None.

6. Less Frequent Collection

Voters are not required to use this form and it serves solely as a backup ballot for voters who do not receive their requested State ballot with enough time to vote and return it to the State ballot return deadline.

In States where the FWAB is accepted as a voter registration and ballot request form, the applicant may use this form as in lieu of the Federal Postcard Application. The applicant would be required to update and resubmit this information annually, whenever they change their mailing address or as otherwise required by State law. If the information is not submitted annually or whenever they change their mailing address, the applicant may not receive ballots for elections for Federal office in that calendar year.

7. Paperwork Reduction Act Guidelines

This collection is consistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

a. On Monday, April 1, 2013, the Federal Register notice for the redesign of the Federal Write-In Absentee Ballot was published. It can be found on pages 19465 and 19466. Public comments were collected through Friday, May 31, 2013.

The majority of comments received regarded form usability. Of those, most liked the form as is and did not require any action. Some commenters asked for an online fillable form which is currently available along with an automated form completion assistant at the FVAP.gov website. These tools will be updated based on the final OMB approved Federal Post Card Application. Other comments unrelated to the form did not require changes.

The second largest grouping of comments came in asking for additional space on the form to help legibility of handwriting and the voter's signature. As requested, FVAP added space to the signature area, lengthened the signature line, and increased font size for the affirmation. Lines were removed from Blocks 8 and 9 to allow for applicants with larger handwriting to be able to add the necessary information legibly.

Comments requesting clarification of the Instructions section were all accepted and modifications made. A summary of comment topic groupings and actions taken, as well as every comment received and its corresponding comment ID can be found as two supplemental documents as part of the submission.

On Thursday, June 13, 2013, the 30 Day Federal Register notice for the redesign of the Federal Write-In Absentee Ballot was published. It can be found on page 35605. Public

comments were collected through Monday, July 15, 2013. Only three comments were received during this time and none required changes to the form.

One comment received was a positive usability comment. The second comment referenced the format of the form. The Affirmation section of the form was modified following the 60 Day comment period. The signature line was lengthened and space was added to the signature area. The size of this Block cannot be further expanded without removing space from another Block. The last comment received also referenced the format of the form. The requested changes added a Block onto the form that would only benefit five States from the 55 States and territories currently accepting the FWAB. The information that would be obtained from the new Block is noted in Block 9, Additional Information. FVAP will consider adding the Block in future additions if more States begin using the FWAB as a universal registration, ballot request and back-up ballot.

b. The Services, Department of State and GSA were approached regarding the availability of requested information. The FVAP Post Election Survey and Election Assistance Commission surveys help identify the frequency of collection. FVAP stakeholders from overseas citizen groups and State and local election offices were contacted for original feedback on the 2011 Federal Postcard Application. Additionally, stakeholders were made aware that the form is available for usability testing during the Federal Register process. More information will be added after that time.

The intent to return language on the FPCA remains on the form due to the October 2008 National Association Secretaries of State (NASS) Survey of State Statues that shows the majority of States have intent as a prerequisite for obtaining a State ballot.

9. Gifts or Payment

Not applicable.

10. Confidentiality

The information is collected and retained by the individual States, counties and municipalities and is not in the possession of the Federal government.

11. Sensitive Questions

The respondent's complete or partial Social Security Number is required to meet State voter identification requirements. Some States request, but do not require, the respondent to provide information regarding their race or ethnicity. This information is used by those States to provide information to the Department of Justice to comply with the Voting Rights Act, 42 U.S.C. §§ 1973 to 1973aa-6, or to determine the respondent's eligibility to vote in some special elections.

12. Respondent Burden, and its Labor Costs

a. Estimation of Respondent Burden

The estimated burden cost is \$6,381,000. Based on the number of ballots cast in the 2008 Presidential general election (as reported by the Election Assistance Commission) by UOCAVA voters, it is estimated that 1,200,000 citizens could potentially use this form annually. It is estimated that the respondent will require 15 minutes to complete the form. Post election information from the 2012 Presidential general election is not yet available.

b. Labor Cost of Respondent Burden

The burden cost is estimated based on 1,200,000 individuals completing the form in 15 minutes at an hourly rate of \$21.27. The hourly rate is the average hourly wage or salary rate for the American worker as published by the Department of Labor in their document, USDL-12-1124.

13. Respondent Costs Other Than Burden Hour Costs

None

14. Cost to the Federal Government

The information is not collected and processed by the Federal government. The cost of collecting and processing the information is borne by the individual State and local election offices as part of providing voter registration and election services to citizens claiming their State as legal residence.

15. Reasons for Change in Burden

Since the inception of this form in 1956, the form has not required OMB review under the Paperwork Reduction Act. Therefore, this existing collection of information, by State and local governments (not the Federal government) has been without an OMB Control Number and without identifying an annualized cost to the respondents.

16. Publication of Results

The information collection will not be published for statistical use, outline plans for tabulation, statistical analyses, and publication.

17. Non-Display of OMB Expiration Date

We are requesting approval to omit the expiration date. These forms are stocked by Federal and non-government agencies for distribution to and use by uniformed services, their eligible family members and overseas voters. If the form contains the OMB expiration date, voters who use this form for registration may believe they will continue to receive absentee ballots beyond what is allowed by State law. This confusion would disenfranchise citizens.

Additionally, requiring the form to be revised and reissued on a triennial basis would incur unnecessary expense to agencies in cases where the previous versions of the form would meet the requirements of UOCAVA. Information found on the form is still often accepted by States since all necessary ballot information and voter affirmation is provided. Voters who may only have access to an “expired” form may not realize they cannot use that form for State voter registration purposes and be disenfranchised.

18. Exceptions to "Certification for Paperwork Reduction Submissions"

No exceptions to the Certification for Paperwork Reduction Submissions exist.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.