

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building

Washington, D.C. 20515-6157

(202) 225-8281

<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

June 21, 2012

The Honorable Leon E. Panetta
Secretary of Defense
United States Department of Defense
The Pentagon
Washington, DC 20301

Dear Mr. Secretary:

We write out of great concern about the voting rights of the millions of American citizens living abroad during the course of this year's federal election. Unless prompt action is taken, we fear that these eligible voters may be faced with the choice of not voting or having to mislead the government of the United States.

As you know, the Federal Post Card Application is a form by which Americans living abroad can register to vote under the Uniformed and Overseas Citizens Absentee Voting Act. Last year, the first question, "Classification", was changed. Previously, civilian Americans living abroad chose between classifying themselves as, "A U.S. citizen residing outside the U.S. temporarily" and "A U.S. citizen residing outside the U.S. indefinitely". Now, they must choose among, "I am a U.S. citizen residing outside the U.S., and I intend to return", "I am a U.S. citizen residing outside the U.S., and I do not intend to return," and the opaque, "I am a U.S. citizen otherwise granted military/overseas voting rights under State law". This question, although it may seem innocuous, presents a serious problem for American citizens living abroad.

The simple fact is that many Americans do not know how long they will live abroad. For the American citizen who fell in love with a foreigner, perhaps returning with her husband to the land of her birth may be a dream that may never come true. The American who was hired by a foreign company may have built a life abroad but should not be required to renounce any plan to return home just because he isn't sure if he will. Americans who were born abroad cannot "return" to a country in which they have never lived. Yet the classification offers no option for these citizens. Surely, the Federal Voting Assistance Program is not asking American citizens to lie, by saying that they are certain of their decision when they're not. But choosing one of these inaccurate self-characterizations appears to be the new price of registering to vote.

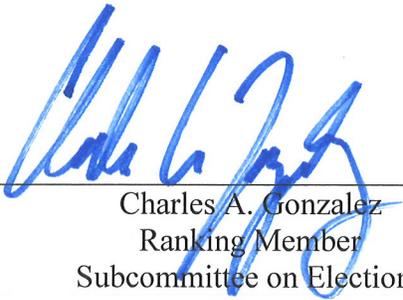
Conversations with American citizens who live abroad have left no uncertainty about this problem. Educated citizens, even experts in our voting law, have literally questioned whether they would register if forced to answer this question. Staff conversations with FVAP make clear that they recognize the problem with the form, and we are aware of steps FVAP has taken to mitigate the damage. Many groups, as well as Ms. Maloney, have expressed concerns that these

steps are inadequate, however, and have received no response to their requests. There is concern that FVAP does not appreciate the magnitude of the problem.

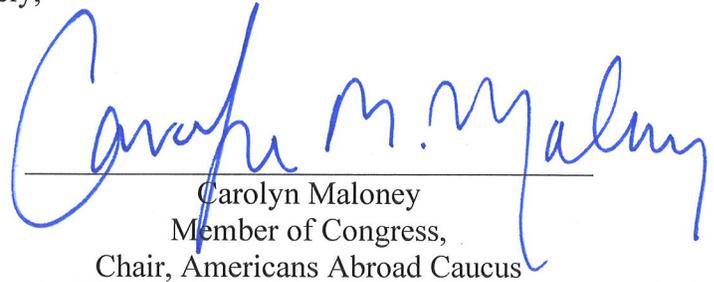
Fortunately, there appears to be a ready alternative to solve the problem. Why cannot FVAP make available the 2005 form, which has none of these problems, for UOCAVA voters to use? As others have suggested, this appears to be a simple, immediate, and cost-effective solution. No eligible voter should be faced with the unjust, unnecessary, and improper choice between misleading their government and participating in our democratic system.

With primary elections every few weeks and the general election fast approaching, we ask that you respond to this Committee by Wednesday, July 11th.

Sincerely,



Charles A. Gonzalez
Ranking Member
Subcommittee on Elections



Carolyn Maloney
Member of Congress,
Chair, Americans Abroad Caucus



Rush Holt
Member of Congress



Mike Honda
Member of Congress



Susan Davis
Member of Congress

cc: The Honorable Dan Lungren, Chairman, Committee on House Administration
Ms. Pam Mitchell, Interim Director, Federal Voting Assistance Program