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May 8, 2012

Bob Carey
Director
Federal Voting Assistance Program
Department of Defense
1777 North Kent Street
Suite #14003
Arlington, VA 22209

Dear Director Carey,

I write regarding the new Federal Post Card Application (FPCA), or the Standard Form 76 (Rev.08-2011), which has raised serious concerns for overseas citizens groups. As you know, the definition and availability of the FPCA to all eligible overseas citizen and military voters around the world is critical to ensuring overseas and military voters' ability to register and participate in federal elections.

Ease of use, presentation in design, and formulation of questions to the voter on the FPCA are fundamental to its successful use, and to the success of your program. It has been brought to my attention that the new Standard Form 76 (Rev.08-2011) version of the FPCA has been changed in a way that makes it more difficult and problematic to use for overseas civilians. Overseas citizens groups have expressed that not only will overseas voters be unwilling to use the new FPCA as it is, but also, that they should *not* use it. They believe that this version of the FPCA will cause voters to drop out of the UOCAVA voting process.

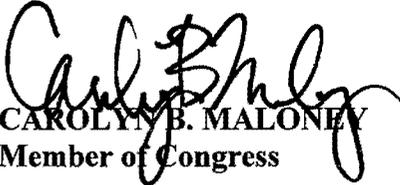
Specifically at issue is the newly named "Classification" section. It is the first "Block" that a voter sees on the form, and the voter is required to check a box indicating their "intent" to return, or not return to the US. The FPCA never before required overseas citizen voters to make a declaration of their "intent." The previous form used the word indefinitely as to when a voter would return; the new form uses the expression "not intending to return," raising the question of permanent expatriation, which puts most voters in an impossible position of stating what they cannot possibly know. Any implications of the declaration in the classification section are not made plain to the voter. Overseas citizens groups are concerned that a voter faced with this question who has not decided his/her intent to return will wonder what the implications are to indicating his/her intent on a government form, or be left unable to answer the question because they do not know their intent, and will very likely not continue further. These groups believe that there may be significant consequences to voters' indication of their intent to return potentially

resulting in costly tax implications, or if these voters indicate they do not intend to return, it could be viewed as effectively renouncing their citizenship.

There is some concern that the process that was undertaken to make the change to the FPCA was without sufficient input from various stakeholders who could speak to the impact that any language changes on the form would have on overseas voters' ability and willingness to vote. I am very interested to know what process was followed in making revisions to the FPCA and if this specific language was ever made public for comment prior to implementation. I'm also interested to learn the justification for the selection of this specific language and what the motivation of the FVAP to request such information might be and how this information might be used.

I look forward to hearing of how your office intends to respond to these concerns and ensure that military and overseas voters are not discouraged, or suffer unintended consequences, from participating in federal elections, and what specifically your office can do to correct this problem for this election. I look forward to your prompt reply.

Sincerely,


CAROLYN B. MALONEY
Member of Congress