



PERSONNEL AND
READINESS

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APR 18 2022

MEMORANDUM
DOD-UPR-00003

MEMORANDUM FOR CHIEF STATE ELECTION OFFICIALS

SUBJECT: Guidance on Procedures and Processes for Submitting Uniformed and Overseas Citizens Absentee Voting Act Undue Hardship Waivers

This guidance memorandum and revised appendices (attached) reissue and cancel the February 7, 2012 guidance and information memorandum, "Guidance on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Ballot Delivery Waivers," with unique DoD identifier DOD-UPR-00003 (available at: https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf). This memorandum and its appendices provide guidance to State election officials requesting waivers from the provisions of UOCAVA that require ballots to be sent to military and overseas voters (UOCAVA voters) 45 days before an election for Federal office. Changes include updates to contact information and the recodification of relevant provisions in the United States Code.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide guidance to the public regarding existing requirements under the law or departmental policies.

The attached appendices are:

- Appendix A – State Waiver Guidance, with specific direction on the waiver application process:
 - Background overview and elements requirements for the waiver request process;
 - Information specific to a waiver request as a result of an election contest;
 - Elements of a comprehensive plan;
 - Department of Defense's (DoD) waiver request review process;
 - Process for States to file waiver requests;
 - State reporting and evaluation requirements; and,
 - Federal Voting Assistance Program (FVAP) assistance to the States.

- Appendix B – Suggested Template Cover Page for a State Undue Hardship Waiver Request, providing a recommended format to follow when requesting a waiver and identifying key questions to address when submitting a waiver request.
- Appendix C – Frequently Asked Questions About UOCAVA's Hardship Waiver Provisions

States considering requesting a waiver should contact FVAP well in advance of submitting their application to discuss potential alternatives. This will allow FVAP to assist a waiver-requesting State with its application, identify any problems, and explore alternatives to a waiver application.

For additional information or responses to this guidance please contact Mr. David Beirne, Director, FVAP.

A handwritten signature in black ink, appearing to read "Gilbert R. Cisneros, Jr.", with a stylized, cursive script.

Gilbert R. Cisneros, Jr.

Attachments:
As stated

Appendix A

State Waiver Guidance

I. Background

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* requires States to transmit absentee ballots to uniformed services voters and overseas voters not later than 45 days prior to an election for Federal office (the “45-day-prior requirement”), including all general, special, primary (including Presidential preference primaries), and run-off elections.¹ *UOCAVA* requires chief State election officials to request waivers from the Presidential Designee² if they are unable to comply with this requirement due to an undue hardship. *UOCAVA* authorizes the Presidential Designee to grant a waiver only to those States requesting a waiver under one of three circumstances:

1. The State’s primary election date prohibits the State from complying with 52 U.S.C. § 20302(a)(8)(A);
2. The State has suffered a delay in generating ballots due to a legal contest; or
3. The State Constitution prohibits the State from complying with 52 U.S.C. § 20302(a)(8)(A).³

The Presidential Designee, after consultation with the Attorney General, shall approve such a request if the Presidential Designee determines that each of the following requirements is met:

1. One or more of the three above-referenced issues creates an *undue* hardship for the State; *and*
2. The State’s comprehensive plan⁴ presented in support of its request provides absent uniformed services voters and overseas voters sufficient time to receive and submit absentee ballots in time to be counted in the Federal election.

The Federal Voting Assistance Program (FVAP),⁵ after consultation with the representative of the Attorney General, provides the following guidance on this undue hardship waiver process. A State considering a waiver application is encouraged to contact FVAP well in advance to discuss potential alternatives. While not required, such a communication may assist State officials in determining the eligibility to seek a waiver, identify ways to ensure a complete waiver application, and examine possible alternatives to seeking a waiver.

¹ 52 U.S.C. § 20302(a)(8)(A).

² 52 U.S.C. § 20302(g)(1). The Secretary of Defense was designated the Presidential Designee by Executive Order 12642 (June 8, 1988), 53 Fed. Reg. 21,975. The Secretary of Defense has delegated this authority to the Under Secretary of Defense (Personnel & Readiness) through Department of Defense Directive (DoDD) 5124.02. For purposes of this memorandum, the term “Presidential Designee” includes those officials exercising authority delegated by the Secretary of Defense.

³ 52 U.S.C. § 20302(g)(2)(B).

⁴ 52 U.S.C. § 20302(g)(1)(D).

⁵ DoDI 1000.04.

II. Scope of Waiver Authority

UOCAVA authorizes the Presidential Designee to issue a waiver only in situations in which a State faces an undue hardship caused by one or more of three specific circumstances. Since Congress enacted the 45-day-prior requirement in amendments to *UOCAVA* found in the 2009 Military and Overseas Voter Empowerment (MOVE) Act, States have had the opportunity to conform their election laws to *UOCAVA*'s requirements and thus avoid the likelihood of any type of circumstance arising that interferes with compliance with the 45-day-prior requirement. The Presidential Designee's determination of whether an *undue* hardship has arisen will take into account the extent to which such efforts have been made.

- A. First Undue Hardship Situation: Primary Election Date, 52 U.S.C. § 20302(g)(2)(B)(i). Prior to the 2009 MOVE Act amendment to *UOCAVA*, some States held primary elections that were too late to allow for the general election ballots to be finalized in time to transmit them prior to the 45-day deadline. 52 U.S.C. §20302(g)(2)(B)(i) authorizes issuance of a waiver of the 45-day-prior requirement for a general election where this specific circumstance exists.

Any waiver application submitted for a general election, based in whole or in part on the primary election date, should describe all efforts the State has undertaken since 2009 to conform its election statutes and rules to *UOCAVA*'s requirements and why those efforts have failed.

- B. Second Undue Hardship Situation: Legal Contest, 52 U.S.C. § 20302(g)(2)(B)(ii). The second circumstance under which the Presidential Designee is authorized to consider a waiver of the 45-day prior requirement is where a legal contest, such as a contested primary election, has caused a delay in generating ballots. This provision recognizes that legal proceedings can sometimes be unpredictable and cause unexpected delays in finalizing ballots. In evaluating whether a legal contest has created an undue hardship, the Presidential Designee will consider the extent to which the contest is of an unusual nature or length as well as whether the contest could have been foreseen and accounted for when creating the State's election calendar.
- C. Third Undue Hardship Situation: Constitutional Conflict, 52 U.S.C. § 20302(g)(2)(B)(iii). States have had the opportunity to resolve any conflicts between their constitutions and the 45-day prior requirement in the years since that requirement was imposed by the MOVE Act. Any waiver application submitted based on a constitutional conflict should describe all efforts the State has undertaken since 2009 to conform its constitution to *UOCAVA*'s requirements and why those efforts have failed.
- D. Authority to Request a Waiver: Only a chief State election official is authorized to request a waiver from the Presidential Designee. Although waiver applications need not apply to the entire State, all applications must be submitted by the chief State election official. For example, if a chief State election official believes an election jurisdiction within the State will be unable to transmit ballots at least 45 days before the election (based on one of the three waiver categories above), but that such failures will not extend statewide, the chief State election official is nevertheless the only official authorized to seek a waiver. When

submitting a waiver request due to a legal contest, a State must clearly identify which specific jurisdiction(s) are affected. For example, a request based on a legal contest involving candidates in one Congressional District of a State would only apply to requests for ballots from *UOCAVA* voters in that district. The waiver, if granted, would apply only to those ballots.

III. Waiver Application Requirements

- A. Minimum Submission Requirements: *UOCAVA* requires that a State's 45-day waiver application include the following information:
1. A recognition that the purpose of *UOCAVA*'s 45-day-prior requirement is to allow *UOCAVA* voters enough time to vote and have their votes counted in an election for Federal office.
 2. An explanation of the hardship that indicates why the State is unable to comply with the 45-day-prior requirement;
 3. The number of days prior to the Federal election at issue that the State will require the *UOCAVA* ballots to be sent to *UOCAVA* voters; and
 4. A comprehensive plan that includes (a) the steps the State will take to ensure *UOCAVA* voters have time to receive, mark, and submit their ballots in time to have them counted in the election, (b) why the plan provides sufficient time to vote as a substitute for sending the ballots 45 days prior to the election, and (c) the underlying factual information to support the explanation in (b).⁶
- B. Timing: A waiver application based on the primary election date or a constitutional conflict (52 U.S.C. § 20302(g)(2)(B)(i) or (iii)) must be *received* by FVAP no later than 90 days before the subject election for Federal office. The Presidential Designee is required to approve or deny the waiver request no later than 65 days prior to the Federal election for which the waiver is sought.

A waiver application based on a legal contest must be submitted "as soon as practicable,"⁷ and the Presidential Designee is required to approve or deny the waiver request within five business days of receipt of the waiver request. A State should contact FVAP informally as soon as it becomes apparent that a legal contest may interfere with the State's ability to transmit ballots on time.

FVAP staff will acknowledge date of receipt of all submissions. For all waiver applications, if a waiver request is denied before the statutory application deadline, a State may resubmit a revised waiver request so long as it is submitted by the statutory application deadline and addresses the reason(s) for the denial of the initial waiver request.

⁶ 52 U.S.C. § 20302(g)(1)(A).

⁷ 52 U.S.C. § 20302(g)(3)(B).

If the Presidential Designee, or FVAP staff, request supplemental information, whether before or after the statutory waiver application deadline, any response should be made as soon as possible, as failure to do so could result in denial of a waiver request. Unsolicited supplementary information submitted by a State after the application deadline will be considered where practicable.

- C. Method of Submission: States may submit waiver applications by postal mail, but all applications should also be submitted by email to vote@fvap.gov. Email transmission provides an immediate, confirmed time of application receipt. Digital signature is sufficient for this application.
- D. Presidential Designee's Process: The Under Secretary of Defense for Personnel and Readiness (USD(P&R)), acting on authority delegated by the Secretary of Defense, reviews States' waiver applications, consults with the representative(s) of the Attorney General, and determines whether State applications meet the requirements for a one-time undue hardship waiver under *UOCAVA*.⁸

The State's waiver request consists of the original waiver request and any subsequent supplementary information provided, whether contained in the post-application discussions between the chief State Election Official and FVAP or in written responses or materials provided. In addition to the waiver application, only those communications made with or provided to FVAP officials will be considered as part of the waiver request. Although not mandated, using the attached cover sheet template (Appendix B) will facilitate prompt analysis of a State's waiver request by the Presidential Designee.

Approval or denial of a waiver request will be made in writing to the State from USD(P&R). The response will contain an explanation and rationale for the decision predicated on the assertions made by the State in its waiver request. FVAP will also deliver electronic copies of those decision letters as soon as possible and will call chief State election officials to relay any decision.

IV. Presidential Designee's Evaluation of Waiver Applications

- A. Undue Hardship: A State must explain in its application why one of the three enumerated issues under 52 U.S.C. § 20302(g)(2)(B) creates an *undue* hardship that prohibits the State from complying with the 45-day-prior requirement. The simple existence of one of the enumerated issues does not automatically mean that the State suffers an undue hardship.⁹ Legislative inaction, logistical difficulties, inconveniences, or added costs arising from compliance with 52 U.S.C. § 20302(a)(8)(A) may not, on their own, create an undue hardship. A finding by the Presidential Designee as to whether an enumerated issue creates an undue hardship depends on:
 - 1. The type of election for which the waiver is requested;
 - 2. The impact of complying with the 45-day-prior requirement on all of the State's voters and on the election for Federal office;

⁸ 52 U.S.C. § 20302(g)(2).

⁹ 52 U.S.C. § 20302(g)(1)(B).

3. How much time has passed since the condition was first created;
4. Other emergent circumstances, such as a ballot legality challenge;
5. The time still available to the State or local election official to remedy the issue without a waiver; and
6. The alternatives available to the State or locality to remedy the issue without the need for a waiver.

B. The Comprehensive Plan: In order to receive full consideration, a State's comprehensive plan presented in support of its waiver request should demonstrate that *UOCAVA* voters will be provided sufficient time to receive, mark, and return absentee ballots they have requested in time to be counted in the Federal election. The State must explain how its plan provides *UOCAVA* voters sufficient time to vote *as a substitute for transmitting ballots at least 45 days before election day*. The comprehensive plan will be evaluated against several criteria, and the analysis of whether a State's plan provides sufficient time will consider the totality of circumstances presented in the comprehensive plan. Among the issues the Presidential Designee considers are the total time a voter has to receive, mark, and return the ballot and have it counted (both before and after Election Day); the number and accessibility of alternative methods provided for ballot transmission and return (if applicable); and any other measures that may improve the likelihood a *UOCAVA* voter will be able to receive, mark, and return the ballot and have it counted.

1. Total Ballot Transit Days: The plan must specify the total number of days a *UOCAVA* voter whose ballot is transmitted by mail or electronic means will have to receive, mark, and return the ballot and have the ballot counted in the election (including the number of days before and after Election Day). Absent a waiver, *UOCAVA* requires States to transmit absentee ballots 45 days prior to Election Day. Thus, the Presidential Designee will consider the extent to which the State's plan provides at least a 45-day total transit period for *UOCAVA* ballots by accepting ballots voted by Election Day, but returned by postal mail for some period of time after Election Day. The plan should indicate whether the State has administrative or other authority to extend the receipt deadline for ballots returned by mail by at least the number of days the ballots will be sent beyond the 45th day prior to the election. For example, if, because of the applicable undue hardship, the ballots cannot be sent until 10 days after the 45-day prior deadline, the State should indicate whether it will accept and count otherwise valid ballots returned by mail at least 10 days after Election Day (provided they are voted by the state's required deadline). Comprehensive plans that include extended ballot receipt deadlines should maximize the number of days *before* an election that ballots are transmitted to ensure time to receive and mark ballots by Election Day.

2. Ballot Transmission Methods: The Presidential Designee will consider the extent to which the plan includes any alternative transmission method(s) available to *UOCAVA* voters for obtaining and/or returning ballots in addition to postal mail, such as facsimile, email, online posting of blank ballots, or other means. *UOCAVA* requires all States to provide at least one method of electronic transmission of the blank ballots in conjunction with the 45-day prior transmission of ballots. As a general rule, a State's comprehensive plan should provide more than one method of electronic or other expedited transmission

in order to mitigate the harm from sending ballots later than the 45th day before the election. The consideration and potential use of commercial contract courier services or priority mail treatments also should be addressed in the comprehensive plan. This is important because although some *UOCAVA* voters may benefit from available electronic transmission options, States must ensure that all *UOCAVA* voters who elect to receive and/or return paper ballots by postal mail have sufficient time to receive, mark, and return them in time to be counted. This is necessary both to accommodate voters with limited access to the internet or to electronic equipment, and to permit voters the option guaranteed by *UOCAVA* to receive and return their ballots through regular mail to avoid any concerns they may have related to electronic transmission, such as the security or secrecy of their ballot.

To inform the analysis of the impact of the available transmission options, the plan should also include, if available, a description of the universe of affected *UOCAVA* voters for the subject Federal election, including the total number of voters, broken out by type of voter (i.e. uniformed services voters with APO and FPO addresses; uniformed services voters at a street address within the United States; and overseas civilian voters) and their requested transmission method. The plan should provide a full explanation as to how *UOCAVA* voters may access any online ballot or ballot delivery system(s) if available. Also, copies of the directions given to voters, voter education materials for voters to gain access to online ballot or ballot delivery system(s) to supplement the explanation will help to further analysis.

3. Additional measures to provide sufficient time: The Presidential Designee will consider any additional efforts made by the State that improve the likelihood a *UOCAVA* voter would be able to receive, mark, and return the ballot and have it counted, such as, for example, efforts to contact *UOCAVA* voters directly or by other means to alert them of the option for electronic transmission and to solicit contact information. Providing copies of any notices and instructions (planned or already disseminated) to *UOCAVA* voters related to the potential delay in sending ballots may be helpful.

4. Comprehensive Plan Implementation: A description of which State or local officials will be responsible for carrying out the comprehensive plan and how the State will ensure compliance. Further, the comprehensive plan must detail how the State will monitor and enforce local compliance, and how it will inform FVAP and the Department of Justice (DOJ) Voting Section of any problems in implementing the comprehensive plan as proposed.

V. Reporting and Evaluation

To ensure States comply with any granted waiver agreement, and to evaluate the effectiveness of the comprehensive plan, States must agree to provide FVAP pre- and post-election reports and evaluations, which must include the following:

- A. Certification: In order to receive full consideration, the chief State election official should, by the date prescribed in the waiver approval letter (usually the

calendar day after the deadline specified), certify that ballots were transmitted to *UOCAVA* voters on the date and in the manner described in the waiver application, as well as provide:

1. the numbers of ballots sent to absent uniformed services voters with APO and FPO addresses;
2. the number of ballots sent to uniformed services voters at a street address within the United States;
3. the number of ballots sent to overseas civilian voters; and
4. a breakdown of further details about each of the above categories showing ballots sent by fax or email, provided through any online ballot delivery system(s), and sent by postal mail or by private courier.

B. A post-election report detailing:

1. the number of ballots from each of the above groups returned in time to be counted;
2. the number of ballots from each of these groups returned too late to be counted;
3. a breakdown of further details about each of the above categories showing ballots returned by fax or email, ballots returned by voters through any online ballot delivery system(s), and sent back by postal mail or by private courier;
4. any feedback, whether positive or negative, received from voters about any elements of the State's comprehensive plan;
5. analysis of how implementation of the comprehensive plan on which the waiver was based impacted the return of voted ballots in the affected jurisdictions; and
6. analysis that demonstrates the effectiveness of the comprehensive plan, including information showing quantitatively the results of the comprehensive plan, and how the plan provided *UOCAVA* voters sufficient opportunity to receive, mark, and return their ballots in time to have them counted, sufficient to serve as a substitute for the 45-day-prior requirement.
7. a description of how the State plans to resolve the underlying issue that led to the need to seek a waiver prior to the next election for Federal office, including steps already taken, to be taken, timelines, and any supporting documentation.

VI. Assistance

For additional assistance, please contact FVAP at vote@fvap.gov, or 1-(800) 438-8683.

Frequently asked questions and answers (Appendix C), attached, will be updated as necessary on the FVAP website at the waiver page.

Appendix B
Suggested Template Cover Page for a State Undue Hardship Waiver Request

1. State Name () and postal abbreviation ()

2. Chief State Election Official (CSEO)

First Name:

Last Name:

Title:

Address:

Address:

City:

State:

Zip:

+4:

Email:

Phone:

Fax:

Signature (digital signature accepted):

Date:

3. Preferred State Election Contact:

First Name:

Last Name:

Title:

Address:

Address:

City:

State:

Zip:

+4:

Email:

Phone:

Fax:

4. Acknowledgment of *UOCAVA* voters' right to vote

(State) recognizes that the purpose of 52 U.S.C. §20302(a)(8)(A) is to allow absent uniformed services voters and overseas voters sufficient time to vote in an election for Federal office.

Type initials:

Date:

5. Type of hardship claimed (check one)

- ☐ 52 U.S.C. §20302(g)(2)(B)(i) Undue hardship due to a late primary.
- ☐ 52 U.S.C. §20302(g)(2)(B)(ii) Undue hardship due to a legal challenge
- ☐ 52 U.S.C. §20302(g)(2)(B)(iii) Undue hardship caused by a State constitutional prohibition.

6. Please indicate the location in the package that contains the State's explanation for the necessity of the waiver request.

7. On what date(s) will the State require ballots to be available and sent?

8. Please indicate the location in the package that contains the State's explanation of how the comprehensive plan provides sufficient time for *UOCAVA* voters, who have timely submitted an absentee ballot request, to receive, mark, and return their ballots in time to have those ballots counted.

9. If requesting a 52 U.S.C. §20302(g)(2)(B)(i) and/or (g)(2)(B)(iii) waiver, explain why there has not been a resolution of this issue(s) between the 2009 enactment of the MOVE Act and the date of this waiver request.

Appendix C
Frequently Asked Questions (FAQs) About UOCAVA's Hardship Waiver Provisions
April 20, 2022

1. What requirements can be waived?

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* requires States¹ to send absentee ballots to those voters covered by *UOCAVA* 45 days before an election for Federal office. The *UOCAVA* waiver process allows States to request of the *UOCAVA* Presidential Designee² a waiver for a particular Federal election of the requirement to send out absentee ballots to *UOCAVA* voters who have an application for an absentee ballot already received by the appropriate elections office no later than 45 days prior to Election Day. This is the only State requirement under *UOCAVA* that can be waived.

2. For what reasons can a State request a waiver?

Congress has specified three circumstances that *may* cause an undue hardship that could prevent a State from meeting its obligation to *UOCAVA* voters, and in which a State may request a waiver. These reasons are: (a) a primary election date that prohibits a State from complying, (b) a delay in generating ballots due to a legal contest, or (c) a State constitutional provision that prohibits compliance.³

3. When can a State apply for a waiver?

For requests arising from a late primary date or a State constitutional issue, a State may apply for a waiver at any time, up to the statutory deadline of 90 days before an election for Federal office.

States seeking to request a waiver due to a legal contest that delays generation of the printing of absentee ballots must apply “as soon as practicable.” It may be premature; however, to seek a waiver for a legal contest until closer to the transmission deadline or before the court has issued its ruling.

4. How long will it take to know if a waiver request has been approved or denied?

Under *UOCAVA*, the Presidential Designee is required to respond to a waiver request based on a legal contest that has caused a delay in generating absentee ballots⁴ within 5 business days of receipt of that request.⁵

For waiver requests received no later than 90 days prior to a Federal election, if the waiver is requested based on either a late primary date⁶ or a State constitutional issue,⁷ the Presidential Designee has until 65 days prior to the Federal election to

¹ As defined by *UOCAVA*, State here means “a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.” 52 U.S.C. § 20310(6).

² The Secretary of Defense has delegated this designation to the Deputy Under Secretary of Defense for Personnel Readiness.

³ 52 U.S.C. § 20302(g)(2)(B)(i)-(iii)

⁴ 52 U.S.C. § 20302(g)(2)(B)(ii)

⁵ 52 U.S.C. § 20302(g)(3)

⁶ 52 U.S.C. § 20302(g)(2)(B)(i)

⁷ 52 U.S.C. § 20302(g)(2)(B)(iii)

respond. For requests received well before the statutory deadline, FVAP will seek to facilitate a response to a State's request in a timely manner.

5. May a waiver be amended after submission?

Yes. Prior to the statutory deadline for submission, a State may amend a waiver request that has been previously submitted either on its own initiative or in response to a request for additional information from FVAP. Subsequent to the statutory deadline for a submission, a State may amend its waiver request in response to a request for additional information from FVAP. However, a State seeking to amend its waiver request on its own initiative after formally submitting the request should first consult with FVAP. Such an amendment may prevent FVAP from responding to the waiver request by 65 days before an election for Federal office or within 5 business days as required under 52 U.S.C. §20302(g)(3).

6. If a waiver request is denied, is it possible to reapply?

Yes. If the basis for the hardship request is due to a late primary date or a State constitutional prohibition, a State may reapply subsequent to receiving a denial of its waiver request if the new request is still made before the statutory last date of 90 days prior to a Federal election. A State may also reapply subsequent to a waiver being denied if the basis for the hardship request is due to a delay in generating ballots due to a legal contest. In either case, the reapplication must otherwise meet the statutory requirements of a waiver request and cure the deficiencies that caused the initial denial.

7. How long will this waiver last?

As stated under *UOCAVA*, a waiver is only valid for the specific election for Federal office for which the waiver was requested.⁸ A State needs to apply for a new waiver for each subsequent election for Federal office for which it believes it has appropriate grounds under the statutory language. Please note that grounds for a waiver request for one election, and the State's comprehensive plan to cure the hardship that is part of that request, may not necessarily be grounds for a waiver in a subsequent election.

8. Are there ways that States may be able to avoid the need for a waiver?

Some States may encounter scheduling problems that delay the printing of official ballots by the 45th day prior to an election, but not all States in such a situation will necessarily require an undue hardship waiver. In certain past instances, States were able to send *UOCAVA* voters the photocopied, camera-ready, or PDF versions of the certified final ballot by the 45th day prior to the election. Timely transmittal of such a ballot, although not yet "printed," if accepted by the State as an official ballot, satisfies the 45-day-prior requirement of *UOCAVA* and eliminates the need for a waiver. If such copies of the official ballot are used, a State should ensure appropriate instructions are included with the ballot to advise voters that it is an official ballot that will be accepted if otherwise timely and validly cast. During discussions with FVAP, some States also determined they could shorten their primary certification and ballot generation process to meet the 45-day-prior requirement. These examples are provided as suggestions for possible resolutions to some scheduling problems related to printing official ballots. A State unsure as to whether these or any other approaches

⁸ 52 U.S.C. § 20302(g)(4)

might alleviate the need for a waiver request should contact the Federal Voting Assistance Program.