

The Justice Department today announced that it has reached agreement with New York officials to help ensure that military service members and other U.S. citizens living overseas have the opportunity to vote in the state's March 31, 2009, special election in the 20th Congressional District.

The lawsuit was filed in federal district court yesterday against the state of New York, Gov. David A. Paterson and the state board of elections under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The action seeks emergency relief for the upcoming election and a permanent remedy to ensure UOCAVA voters are not disenfranchised in future special federal elections.

The agreement filed today, which must still be approved by the federal court, provides for additional time -- until April 13, 2009 -- for the receipt of overseas ballots for the March 31, 2009, election. The agreement also commits the state to explore whether changes need to be made to ensure UOCAVA voters are not disenfranchised in future special elections and provide a report to the Department of Justice on those efforts by May 15, 2009.

"Our uniformed service members and other overseas citizens deserve the opportunity to participate in elections of our nation's leaders," said Loretta King, Acting Assistant Attorney General for the Civil Rights Division. "I am pleased that New York's officials have agreed to measures that will afford immediate relief to ensure that the state's voters overseas, many of whom are members of our armed forces and their families serving our country around the world, will have a reasonable chance to vote in this special election."

The lawsuit was necessary because New York's schedule for conducting the March 31, 2009, election did not permit officials to mail absentee ballots overseas in time for voters to receive, mark and return their ballots by the state's April 7, 2009, deadline. Under New York law, absentee ballots must be postmarked by the day before the election and arrive by the seventh day after the election.

The counties in the 20th Congressional District did not mail requested absentee ballots to New York's military and other citizens living abroad until March 12, 2009, and, in most cases, March 13, 2009. There are more than 1,300 overseas voters entitled to receive absentee ballots for the March 31, 2009, election, including at least 471 military voters presently stationed overseas.

UOCAVA requires states to allow uniformed service members and overseas citizens to register to vote and to vote absentee for all elections, including special elections, for federal office. The Justice Department has brought numerous suits under UOCAVA, including a number of actions in New York, to ensure that voters are not deprived of an opportunity to vote due to late mailing of absentee ballots by election officials.