



U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

November 9, 2004

**VIA FACSIMILE**

The Honorable Alan S. Gold  
United States District Court  
Southern District of Florida  
301 North Miami Avenue, 10<sup>th</sup> Floor  
Miami, Florida 33128

Re: *Friedman v. Snipes et al.*, Case No. 04-22787-CIV-Gold/Brown

Dear Judge Gold:

The United States submits this letter brief to provide the district court with its views regarding the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"). The United States is the primary enforcer of UOCAVA. See 42 U.S.C. 1973ff-4. In addition, the administrative rule in question in this matter was promulgated by Florida pursuant to a consent decree secured by the Department of Justice. See *United States v. State of Florida et al.*, TCA-80-1055 (N.D. Fla. Apr. 2, 1982). For these reasons, the United States has a substantial interest in the litigation currently before the court.

Plaintiffs in this matter, a class of registered voters residing within the United States who applied for absentee ballots to be cast in the November 2, 2004, general election, assert that applying Administrative Rule 1S-2.013, which has been in effect since 1984, only to the class of eligible voters covered by UOCAVA violates, *inter alia*, the Equal Protection Clause of the United States Constitution.<sup>1</sup> We disagree and provide the following for your consideration.

**Background**

In 1980, the United States brought suit against the State of Florida to enforce the Overseas Citizens Voting Rights Act, 42 U.S.C. 1973dd *et seq.*, and the Federal Voting Assistance Act, 42 U.S.C. 1973cc *et seq.*, the predecessors to UOCAVA,<sup>2</sup> in the Northern

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<sup>1</sup> We take no position on plaintiffs' other claims.

<sup>2</sup>UOCAVA was intended to "update and consolidate provisions of current law relating to absentee registration and voting in elections for Federal office by members of the uniformed services and by citizens of the United States who reside abroad." H. Rep. No. 765, 99th Cong.,