

7 FAM 1550 THE BASIC ABSENTEE VOTING PROCESS

*(TL:CON-81; 06-18-2004)
(Office of Origin: CA/OCS/PRI)*

7 FAM 1550.1 Registering and Requesting an Absentee Ballot

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7 FAM 1550.4 Transmission of Voted Absentee Ballots

You need to be familiar with the process -- here is what happens:

THE BASIC ABSENTEE VOTING PROCESS:

- Citizen completes and mails the FPCA/OFPCA. (He/she must make certain that the information on the FPCA or OFPCA is completely legible.)
- The Local Election Official (LEO) approves the registration request or requests further information.
- LEO mails the absentee ballot to the overseas voter.
- Citizen votes and mails absentee ballot to the LEO in time to meet state deadlines.

See Chapter II of the VAG for common problems in processing FPCAs by Local Election Officials.

7 FAM 1550.1 Registering and Requesting an Absentee Ballot

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Also see Chapter II of the VAG for assistance.

7 FAM 1550.1-1 Federal Post Card Application and Absentee Ballot Request (FPCA)

(TL:CON-81; 06-18-2004)

The Registration and Absentee Ballot Request - Federal Post Card Application (FPCA SF-76) is a postage-free postcard, printed and distributed by the FVAP for use by absentee voters covered by UOCAVA. To register and/or vote absentee, an eligible U.S. citizen must carefully, and accurately, complete an FPCA. This form serves all states and territories as both a registration form and application for absentee ballots. **Because of varying state and territorial procedures, citizens must refer to the appropriate section in Chapter III of the current Voting Assistance Guide for specific guidance on completing the form. Advise voters to note the deadlines carefully.**

7 FAM 1550.1-2 Federal Write-In Absentee Ballot (FWAB)

(TL:CON-81; 06-18-2004)

If the voter has not received his/her state ballot from the LEO in a timely manner, (usually before three weeks prior to the ballot receipt deadline) he/she should mail in a Federal Write-In Absentee Ballot (FWAB) to the LEO. See Chapter II of the VAG). See Chapter III of the VAG for state-by-state requirements.

A limited number of states allow the use of FWABs for elections for other than Federal offices. See Chapter III of the VAG.

For voting residency guidelines, see Chapter II of the VAG.

7 FAM 1550.1-3 On-line Federal Post Card Application

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To facilitate absentee voting, FVAP created an on-line version of the FPCA. Every U.S. state and most territories now permit the use of this on-line version Form OFPCA SF-76A. See the state pages of the VAG website for individual state instructions. When submitting the OFPCA by mail, voters must print out the OFPCA, complete it, place it in an envelope and affix the proper postage.

Addresses of registrars by state may be found in Chapter III of the VAG.

7 FAM 1550.1-4 Tax Liability Implications

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a. The effect of a voter registering and voting absentee on his/her state/local tax status is not a clear issue and varies from state to state. Registering to vote at the voter's new place of legal residence will cancel his/her registration at his/her previous residence and may cause him/her to incur state or local tax liabilities. See Appendix E of the VAG.

b. **A vote for Federal officials only**, i.e., the President, Vice President, a U.S. Senator and a Member of the House of Representatives, **will not affect the determination of the voter's domicile for tax purposes at the Federal, state or local level.** This does not grant immunity from taxation, but merely forbids the act of voting in Federal elections from being considered as evidence of domiciliary intent in determining tax liability.

c. If an applicant resides outside the U.S. and wishes to avoid classifying himself/herself as a state resident for tax purposes, he/she should mark block 8d on the FPCA. However, some states may send a full ballot because they do not print a separate ballot for Federal offices only. See page 10 of the VAG for detailed explanations of Block 8 "Affirmation by Applicant" and the specific categories listed.

d. The applicant should check with legal counsel, the Internal

Revenue Service (see 7 FAM 528.2.2) and/or the individual state's Department of Taxation if he/she has specific tax related questions.

7 FAM 1550.2 Completing a Voted Absentee Ballot

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a. Voters must have **registered** to vote and **requested** an absentee ballot in accordance with the guidelines of their state or territory of domicile to vote absentee. See Chapter III of the VAG for requirements for states and territories. Urge the voters to note the deadlines carefully and to complete and submit their ballots accordingly.

b. Local election officials begin mailing absentee ballots approximately 40-45 days before an election. If the voter has not received his/her state ballot in a timely manner, usually before three weeks prior to the ballot receipt deadline, he/she should request a Federal Write-In Absentee Ballot (FWAB) to use to vote for Federal offices. See Chapter II of the VAG and 7 FAM 1530.1 a.

c. On-line Voting

A small scale pilot project to examine the feasibility of using the Internet for remote registration and voting for UOCAVA citizens was conducted by the FVAP and a group of state and local election officials in 2001. Their report presents the assessment results of the Voting Over the Internet (VOI) Pilot Project.

At this time, voting over the internet is not an option for U.S. citizens living abroad. See the voting over the internet site for the latest developments.

7 FAM 1550.3 Transmission of FPCAs or OFPCAs to Local Election Officials

(TL:CON-81; 06-18-2004)

Be familiar with your pouch and APO/FPO schedules, international mail requirements and courier service availability so you can advise citizens and assist them in meeting their specific state deadlines for receipt of election materials. Remember

deadlines may vary by state.

a. **Diplomatic pouch:** Available to both the official and private U.S. community for sending election materials to the U.S. VAOs should publicize widely the total transit time (two to three weeks) for mail sent via pouch to local election officials. (See 5 FAM 343.9.)

b. **Military Postal Service (APO/FPO facilities):** Any U.S. citizen may use APO/FPO facilities for mailing election material in all circumstances. VAOs should publicize widely the total transit time for mail sent via APO/FPO to local election officials. See 5 FAM 323.

c. **International mail:** Voters must be certain to provide their exact mailing address when using international mail; voters must consider the reliability of the host country mail service and the estimated mail time to the place of voting residency in the U.S. (allow one-three weeks prior to the deadline for receipt of ballots).

d. **Courier Service:** Using a courier company may be the fastest way to send a voted FPCA or OFPCA to local election officials in the U.S. However, courier company packages do not have an official government postmark. It is up to local election officials whether to accept the courier company time and date notations if the state has a postmarking requirement.

e. **Electronic Transmission (FAXING) of FPCAs or OFPCAs:** Electronic transmission (FAXING) of FPCAs and OFPCAs is permitted if authorized by the state or territory. Because procedures vary from state to state, U.S. citizens should consult Chapter III of the VAG for specific details. See Chapter II and Appendix C of the VAG.

Generally, blank and completed FPCAs may be FAXED, but the voter must make sure that his/her return FAX number is legible on the FPCA; blank and voted ballots and other election materials may also be sent by FAX.)

f. **Notarizing or Witnessing Requirements:** Some states still have notarization or witnessing requirements related to the FPCA or voted absentee ballot. There is no fee for these notarial requirements.

7 FAM 1550.4 Transmission of Voted Absentee Ballots

(TL:CON-81; 06-18-2004)

a. The same transmission procedures apply to voted absentee ballots as those listed above (7 FAM 1550.3) for submitting registration applications and requesting an absentee ballot. Voters should be aware of their individual state and territory deadlines/postmarks for receiving voted ballots.

b. You may assist voters who otherwise do not have access to a FAX machine by FAXING his/her ballot to the LEO in accordance with the instructions in the VAG as long as it does not unduly interrupt office operations.