

APPENDIX D

FREQUENTLY ASKED QUESTIONS - OVERSEAS CITIZENS

The procedures and deadlines to vote absentee vary from state to state; refer to Chapter Three for specific state requirements.

I. QUALIFYING TO VOTE ABSENTEE & DETERMINING WHERE TO VOTE

What is *UOCAVA*?

UOCAVA stands for the *Uniformed and Overseas Citizens Absentee Voting Act*, enacted in 1986. The Federal Voting Assistance Program (FVAP) has been charged with administering the *UOCAVA* and works on behalf of all *UOCAVA* citizens to ensure their right to vote in their respective states and territories and to assist them in that process, no matter where in the world they may be residing.

Am I a *UOCAVA* Voter?

You are *UOCAVA* voter if you are a U.S. citizen 18 years or older AND one or more of the following:

- a civilian residing outside the United States
- a member of the Uniformed Services
- a Uniformed Services family member
- a member of the Merchant Marine
- a Merchant Marine family member

What is the difference between a *UOCAVA* voter and an absentee voter?

Any registered voter may request an absentee ballot, rather than going to the polls on Election Day. Each of the fifty-five states and territories has differing policies and rules regarding how to register and vote absentee.

However, *UOCAVA* voters are a subset of the absentee voting population. In order to qualify as a *UOCAVA* voter, the citizen must meet the requirements set forth in the previous question. *UOCAVA* voters are given special assistance when voting absentee because they have been recognized as a group that traditionally has had a difficult time obtaining, voting, and returning their ballots by the close of polls on Election Day.

Absentee voters who do not fit the qualifications of a *UOCAVA* voter should refer to their state or territory's State Election Site for information on how they can register and vote absentee in their state or territory.

If I do not maintain a legal residence in the U.S., what is my "legal state of residence?"

Your "legal state of residence" for voting purposes is the state or territory where you last resided immediately prior to your departure from the United States. This applies to overseas citizens even though you may not have property or other ties in your last state or territory of residence and your intent to return to that state or territory may be uncertain.

When completing the FPCA's (Federal Post Card Application, explained in detail below) Voting Residence section, be sure to enter the entire mailing address of your last residence, including street or rural route and number. The address determines your proper district, ward, precinct or parish for voting purposes.

Some states allow children of U.S. citizens overseas who are U.S. citizens but who have never resided in the U.S., to claim one of their parent's legal state or territory of residence as their own. Check out our State by State Instructions to see if your state or territory allows this.

II. REGISTERING AND REQUESTING AN ABSENTEE BALLOT

Do I have to be registered to vote absentee?

Registration requirements vary from state to state. Most states and territories do require registration to vote absentee, but for *UOCAVA* voters, registration and request can be done at the same time by submitting a single FPCA. If you are already permanently registered and only wish to request a ballot, you should submit an FPCA early in the election year.

How do I register to vote, or apply for an absentee ballot?

As a *UOCAVA* citizen, you may register and request an absentee ballot with a single form: The Federal Post Card Application (FPCA). The FPCA is accepted by all states and territories and is postage-paid in the U.S. mail, including the Military Postal System and State Department Pouch mail. Hard copies of the FPCA can be obtained from a U.S. embassy or consulate, or requested directly from FVAP by contacting us.

An online version of the FPCA (the OFPCA) is available at the FVAP website, and is accepted by all states and territories, except American Samoa and Guam. Keep in mind that the OFPCA must be mailed in an envelope with proper postage, or mailed using our prepaid return envelope.

Whichever format of the FPCA you use, it must be completed, printed, signed, dated, and mailed directly to your local election official. Some states and territories also require notarization of the FPCA. Notarization requirements and local election official mailing addresses can be found in our State by State Instructions.

If I am required to have my FPCA notarized, how do I do it?

Ballot notarization can be performed by an embassy or consular officer, or other official authorized to administer oaths. Most states and territories do not require notarization of the ballot. To find out more about your state or territory's notary requirements check our State by State Instructions.

Where do I send my FPCA?

Your completed FPCA should be sent directly to your local election official. Depending on your state or territory, this could be your county or parish clerk, city administrator, or borough election official. In our State by State Instructions, under the heading of "Where to Send It", you will find a list of addresses for your state or territory's local election officials. These officials will handle the processing and distribution of your absentee ballots and may need to contact you for further information or clarification. To facilitate this process, please provide a current email address, phone and fax number on the FPCA.

When mailing an FPCA to my state or territory, do I have to pay postage?

When mailed from any U.S. post office, U.S. embassy or consulate, or APO/FPO mail facility, the hardcopy FPCA is postage-paid. The online version of the FPCA (OFPCA) must be mailed in our postage-paid envelope in order to receive free postage, or you may send it in an envelope with proper postage affixed. Ensure that your FPCA is postmarked (see instructions on postmarking below) and sent before your state or territory's specific deadline. You must pay postage if the materials are mailed from a non-U.S. postal facility.

What is a postmark and how do I make sure I get one?

A postmark is a postal marking made on a piece of mail indicating the date and time that the item was delivered into the care of the postal service. Most local election officials use postmarks to determine if a mailed FPCA or voted ballot has met state deadlines. These deadlines can be found in our State by State Instructions. Keep in mind that because of varying mail pick up times and delays, the day you 'mail' your election mail may not be the day the postal facility postmarks it. FVAP suggests that you mail your election material as soon as possible to avoid missing deadlines.

If you are mailing your election material close to the deadline or from a location that does not usually postmark its mail, we advise that you ask the mail clerk to hand stamp the election material so that a date is clearly visible. In certain situations a

hand-written postmark and signature from you or a notarizing official can be sufficient; contact your local election official or contact us directly if you have questions.

When is the best time to apply for an absentee ballot?

At least 45 days before Election Day to allow ample time to process the request and mail the ballot. There is no date that is too early to send in your FPCA, and FVAP recommends submitting an FPCA in January of each year. If applying for both registration and request of an absentee ballot, the FPCA may have to be mailed earlier than 45 days. Most states and territories have specific registration and ballot request deadlines for *UOCAVA* voters. These can be found in our State by State Instructions.

Must I submit a separate application for each election?

The *Help America Vote Act of October 2002* extended the effective period of the FPCA through two regularly scheduled general elections for federal office. For example, if you use an FPCA to request a ballot for the 2008 General Election, you will also receive a ballot for the 2010 General Election at the same mailing address, unless you specify otherwise in Block 6. Depending on your state of residence, you may also receive ballots for State and local offices during the selected period as well. However, due to the transient nature of many *UOCAVA* citizens, FVAP recommends that each voter submit an FPCA to their state of legal residence in January of each year and again each time there is a change in the voter's mailing address.

Can I register or vote in person at the embassy or consulate?

At the present time, there are no provisions for in-person voting or on-site registration to be conducted at U.S. embassies or consulates. U.S. embassy and consular officials can assist U.S. citizens in completing the FPCA or other election materials for their state, witness or notarize FPCA forms and ballots (if required), and provide other absentee voting information.

U.S. embassy and consulate locations serve also as a mailing point. FPCA forms and other election materials may be mailed back, postage-paid, from these locations to your local voting jurisdiction in the U.S. where absentee registration and ballot requests are processed. Remember to make sure that all election material is postmarked (See question on postmarking below).

III. CASTING YOUR VOTE

If I am required to have my ballot notarized, how do I do it?

Ballot notarization can be performed by an embassy or consular officer, or other official authorized to administer

oaths. Most states and territories do not require notarization of the ballot. To find out more about your state or territory's notary requirements check our State by State Instructions.

When mailing election materials to my state or territory, do I have to pay postage?

Most election materials are postage-paid when mailed from any U.S. post office, U.S. embassy or consulate, or APO/FPO mail facility. Look for an "Election Mail, Postage Paid" marking on your mailing envelopes to be sure. You must pay postage if the materials are mailed from a non-U.S. postal facility. Also, make sure that your election materials are postmarked to meet state or territory deadlines.

What is a postmark and how do I make sure I get one?

A postmark is a postal marking made on a piece of mail indicating the date and time that the item was delivered into the care of the postal service. *When mailing the voted ballot we advise that you ask the mail clerk to hand stamp the election material so that a date is clearly visible.* Most local election officials use postmarks to determine if a mailed ballot request or voted ballot has met state deadlines. These deadlines can be found in our State by State Instructions.

Keep in mind that because of varying mail pick up times and delays, the day you 'mail' your election mail may not be the day the postal facility postmarks it. FVAP suggests that you mail your election material as soon as possible to avoid missing deadlines.

In certain situations a hand-written postmark and signature by a notarizing official can be sufficient; contact your local election official or Contact Us directly if you have questions.

When should I receive my ballot?

Under normal circumstances, most states and territories begin mailing ballots to citizens 30-45 days before an election. If you have not received your ballot two weeks before the election, contact your local election official (contact information available on most state election sites). If you encounter problems contacting your local election official, contact us and our staff will assist you in determining the status of your ballot. Always complete and return your absentee ballot regardless of when you receive it, even if you have already submitted a Federal Write-In Absentee Ballot (explanation below). Your local election official will ensure that only one of the ballots is counted.

IV. PROBLEMS RECEIVING A BALLOT

What happens if I do not receive a ballot from my local election office?

If you requested an absentee ballot but have not received one close to Election Day, you can still vote! *UOCAVA* voters may

use the Federal Write-In Absentee Ballot (FWAB) as an emergency ballot when they have not received a ballot from their local election office.

How do I know if I am eligible to use the FWAB?

In order to be eligible to use the FWAB, citizens outside the United States must:

- Be located outside the United States (including APO/FPO addresses);
- Have applied for a regular ballot early enough so the request is received by the appropriate local election official not later than the State deadline; or the date that is 30 days before the general election; AND
- Have not received the requested regular absentee ballot from the state.

Where can I get a FWAB?

Hardcopies of the FWAB are available at U.S. embassies/consulates.

Additionally an online version of the FWAB (the OFWAB) is available on the FVAP website. The online version must be completed, printed, signed, dated, and mailed to your local election official in an inner FWAB Security Envelope, along with an outer envelope with proper postage or with our prepaid return envelope. Refer to FVAP's State by State Instructions to determine your state or territory's witness or notary requirements for voted ballots, as well as its deadline for counting and mailing addresses.

If you receive your ballot before your state's ballot return deadline but have already submitted a Federal Write-In Absentee Ballot, vote and return the state provided ballot as well. Your local election official will ensure that only the state-provided ballot is counted.

V. OTHER ELECTION INFORMATION

In What Elections May I Vote?

Generally, all U.S. citizens 18 years or older who are or will be residing outside the United States during an election period are eligible to vote absentee in any election for Federal office.

What is an election for Federal office?

An election for Federal office is any general, special, runoff, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegates from the District of Columbia, Guam, Virgin Islands, and American Samoa, and Resident Commissioner of the Commonwealth of Puerto Rico.

Where would I obtain information on issues, positions, and candidates?

You can find information in U.S. news magazines and newspapers, on the internet and we suggest subscribing to hometown newspapers, or contacting friends and relatives for information on state and local issues.

Both Democrats Abroad and Republicans Abroad also maintain overseas offices and have information about the candidates and issues. The party organizations can be contacted as follows:



Democrats Abroad

430 South Capitol Street, S.E.
Washington, DC 20003
Phone: (202) 488-5073
Fax: (202) 863-8063

Website: www.democratsabroad.org
Email: info@democratsabroad.org



Republicans Abroad International

1275 K Street, NW, Suite 102
Washington, D.C. 20005
Phone: (202) 608-1423
Fax: (202) 608-1431

Website: www.republicansabroad.org
Email: chairman@republicansabroad.org

Will I be taxed by my last state or territory of residence if I vote absentee?

Exercising your right to vote in elections for **Federal offices only**, does not affect the determination of residence or domicile for purposes of any tax imposed under Federal, state, or local law. Voting in an election for **Federal office only**, may not be used as the sole basis to determine residency for the purpose of imposing state and local taxes. If you claim a particular state or territory as your residence and have other ties with that state or territory in addition to voting, then you may be liable for state and local taxation, depending upon the laws of that particular state or territory. Consult legal counsel for information on probable tax obligations.

VI. United States Election Overview

What is a political party?

An organized group of people with similar views who are seeking to elect candidates to public office to exercise political power and influence the course of public policy.

What is a primary election?

An election in which registered voters select a political party's candidates for office. The party's winning candidates for each

office go on to face members of other political parties in a subsequent, general election. There are two types of primaries: open and closed.

An open primary is a primary in which any registered voter can participate regardless of political affiliation but can only vote for candidates of one party.

A closed primary is a primary in which only voters registered for a particular political party can participate.

What is a presidential primary?

A primary is used to pick delegates to the presidential nominating conventions of the major parties and is one of the first steps in the process whereby political parties choose a candidate to run for US president.

Why is it important to vote in primary elections?

It is important because voters who participate in the primaries can have a great impact on what names will appear on the general election ballot. The winning candidate in a primary election is the one who receives the largest percentage of the votes during the primary election and will move on to be a candidate in the general election. The largest percentage should not be confused with a majority, which is a number greater than half of the total votes cast. This means that the higher the voter turnout the greater the possibility that the winner is indeed a true representative of the population in general.

What is a caucus?

A meeting held by local members of a political party to elect delegates to conventions, express preferences for candidates, discuss issues, and conduct other party business.

What is a general election?

A regularly scheduled local, state, or national election in which voters elect officeholders.

What is the Electoral College?

A body of electors chosen by the voters in each state to elect the President and Vice President of the U.S. The number of electors in each state is equal to its number of representatives in both houses of the US Congress.

What is a congressional district?

A political subdivision within a state from which a member of the U.S. House of Representatives is elected. Each congressional district contains about 650,000 people. The size of congressional districts are normally adjusted every ten years following the U.S. Census.