

7 FAM 1500 OVERSEAS VOTING PROGRAM

7 FAM 1510 INTRODUCTION

(CT:CON-124; 01-19-2006)
(Office of Origin: CA/OCS/PRI)

7 FAM 1511 SUMMARY

(CT:CON-124; 01-19-2006)

- a. The Federal Voting Assistance Program (FVAP) covers millions of military and civilian voters residing overseas who may be eligible to vote in federal elections under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C., Chapter 20, Subchapter I-G. (42 U.S.C. 1973ff) The Secretary of Defense has been designated by the President to have primary responsibility for federal functions under UOCAVA. The U.S. Department of State assists the Secretary of Defense in carrying out these functions with respect to U.S. civilians overseas.
- b. **Roles of Departments of Defense and State:** The Departments of State and Defense play a vital role in assisting U.S. citizens overseas to exercise their right to vote. You are charged with reminding U.S. citizens (other than members of the military and their families) of their right to register and vote, providing non-partisan information about local, state and federal elections, and facilitating, to the extent the law allows, the voting process.
- c. **FVAP Web Page:** FVAP has an excellent website that provides extensive information and training materials for Voting Assistance Officers (VAOs). It also contains information for U.S. citizens covered by UOCAVA, such as voter registration information and deadlines; a downloadable form for registration and absentee ballot requests; links to current office holders; lists of Federal, state and local candidates; and media website links in every state for current information about candidates and issues.
- d. Voting laws and procedures vary from state to state complicating your role as a Voting Assistance Officer. The Voting Assistance Guide (VAG) published by the Department of Defense (DOD) is your most important reference. It describes the Federal Voting Assistance Program and your

responsibilities as a Voting Assistance Officer (VAO). Additionally, it contains State Absentee Registration and Voting Procedures as well as a brief summary of tax laws affecting U.S. citizens residing overseas.

- e. **Ombudsman Service:** The Ombudsman Service for Voter Assistance, a major resource of the Federal Voting Assistance Program (FVAP), assists Voting Assistance Officers (VAO) by putting VAOs, citizens and local election officials directly in touch with the FVAP.

E-mail: Vote@fvap.ncr.gov
U.S. Toll-free Telephone: 800-438-8683
Commercial: 703-588-1584
FAX: 703-588-0108
FVAP toll free telephone/FAX numbers site

7 FAM 1512 AUTHORITIES

(CT:CON-124; 01-19-2006)

- a. The legal authority for U.S. citizens overseas to vote absentee in U.S. elections is found at the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as amended, 42 U.S.C. 1973ff.
- b. Authority to implement the UOCAVA is found at:
 - (1) Executive Order No. 12642 of June 8, 1988, 53 F.R. 21975 (6/10/88) designating the Secretary of Defense with primary responsibility for federal functions under the Act;
 - (2) DOD Directive 1000.4 Federal Voting Assistance Program; and
 - (3) DODD 1344.13 Implementation of the National Voter Registration Act.
- c. Authority for consular officers to conduct voting related activities overseas is derived from Article 5(f) and Article 5(m) of the Vienna Convention on Consular Relations (VCCR) and similar provisions in bilateral consular conventions. See Treaties in Force and the CA/OCS Intranet Treaties feature.

VCCR Article 5 consular functions include:

(f) Acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State.

(m) Performing any other functions entrusted to a consular post by the

sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

7 FAM 1513 ROLE OF THE CONSULAR OFFICER REGARDING VOTING ASSISTANCE

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Voting Assistance Officers (VAO)

1. Global e-mail address

CA-Voting-Assistance-Officers@state.gov CA/OCS/ACS uses this address to communicate with you.

2. The Federal Voting Assistance web page include a special feature for you: Voting Officer Assistance Information

3. Tell Us Who You Are: Contact the Department's Chief Voting Action Officer (CA/OCS/ACS/AF) upon assignment as the post's Voting Assistance Officer, and upon relinquishing your position as VAO by emailing us at VotingInfo@state.gov. This is how you communicate with CA/OCS/ACS about voting.

- a. Specific responsibilities for Voting Assistance Officers (VAO) and Voting Assistants (VA) may vary by post, but generally you should:
 1. **Educate Yourself:** Familiarize yourself with the Voting Assistance Guide and useful media and state websites. Become familiar with Form SF-76, the Federal Post Card Application (FPCA), and Form SF-186, the Federal Write-in Absentee Ballot (FWAB), so that you know how to complete them and can explain the procedure easily to your voters.
 2. **Start Early/Prepare A Voting Action Plan:** Your responsibility in an election year is not confined to the 2-3 months before the general election. To be an effective officer you have to have your voting action plan in place a full year in advance. Have adequate supplies on hand and make your community aware of its responsibility for registering and requesting absentee ballots as early as possible.
 3. **Develop A Network:** Ensure that everyone at post knows who you are; the Ambassador, security guards, receptionists, and the Foreign Service Nationals so they can refer inquiries to you.

- (a) Identify and train voting volunteers in the private U.S. community who can help you disseminate voting information. Provide them with Voting Assistance Guides (VAGs), motivational posters, calendars and Federal Post Card Applications (FPCAs).
 - (b) Know the extent of the U.S. community in your consular district. Develop and implement an outreach program to educate potential voters; the official U.S. government community, corporations, Peace Corps volunteers, overseas schools, study overseas programs, non-governmental organizations (NGOs), and other groups comprised solely or in part of U.S. citizens. (See 7 FAM 070).
4. **Disseminate Information:** Alert U.S. citizens of deadlines for registration and mailing in their ballots. Assist them in understanding their voting rights and how to vote absentee under UOCAVA.
- (a) Provide accurate, **non-partisan** voting information and assistance to potential voters. Your understanding of the registration and absentee voting procedures and your ability to direct people to on-line resources may well determine whether or not your fellow citizens participate in the electoral process;
 - (b) Create and maintain a voting section on your post's website;
 - (c) Include voting supplies in your post's annual budget as a routine operating item as well as funding for travel to a voting workshop; and
 - (d) Keep a record of your voting assistance efforts. The statistics will be extremely useful when preparing your post election report.
- b. **Voting Assistants (VA):** Voting Assistants are usually Foreign Service Nationals (FSN), consular associates, and consular assistants who help the voting assistance officer run an effective Voting Assistance Program in the consular district.

VA Global E-mail address (Out Box): CA-Voting-Assistants@state.gov
This is how CA/OCS/ACS communicates with you.
You can direct your questions to CA/OCS/ACS about voting to VotingInfo@state.gov (In Box)

- c. **As a Voting Assistant, under the guidance of the VAO, you should:**
- 1. Familiarize yourself with the Voting Assistance Guide.

- (a) Direct legal questions about voting to CA/OCS/PRI (ASKPRI@state.gov). As appropriate, PRI will confer with the Office of the Legal Adviser and federal and state authorities. Legal questions about voting include, but are not limited to: Ethics questions about overseas voting activities involving post personnel or facilities, eligibility to vote under state law, etc; and
 - (b) Refer procedural issues or questions not covered in the Voting Assistance Guide to the Department’s Voting Assistance Office (CA/OCS/ACS/AF).
2. Assist U.S. citizens living overseas in the voting process and voting absentee under UOCAVA.
 - (a) Direct them to the State Absentee Registration and Voting Procedures section of the Voting Assistance Guide; and
 - (b) Alert them to the deadlines for registration and mailing ballots.
3. Maintain orderly files on voting instructions and information.
4. Maintain a list of voting volunteers in the U.S. citizen community and a record of U.S. citizen community outreach efforts.
5. Monitor post’s voting supplies; order all supplies as necessary.
6. Disseminate information about state and national primary and general elections to your wardens and other network contacts for advertisement in the U.S. citizen community.
7. Post state and national primary and general election notices in the American Citizen Services (ACS) waiting room area. Include your section telephone number, E-mail address, hours open to the public, and any outreach activities scheduled.
8. Direct individuals to useful websites such as:
 - (a) Post website;
 - (b) Media websites in every state for current information on candidates and issues;
 - (c) FVAP web page which provides several excellent websites for national, state and local elections/organizations, click on “state election sites” or other Federal sites; and
 - (d) National Association of Secretaries of State (NASS) Military and Overseas Voting Information.
9. Establish a “voting section” on the post’s website and keep it current.

7 FAM 1514 ROLE OF CA/OCS/ACS

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- a. The **Chief Voting Action Officer in the Office of American Citizens Services** (CA/OCS/ACS) oversees the Department's Voting Assistance Program (VAP) and provides guidance and disseminates information to posts regarding absentee voting by U.S. citizens living overseas. The Chief Voting Action Officer serves as liaison with the Federal Voting Assistance Program (FVAP) headquarters at the Department of Defense.
- b. The role of the **Chief Voting Action Officer** is to:
 - (1) Maintain a current list of Voting Assistance Officers (VAO) and Voting Assistants at posts overseas;
 - (2) Provide guidance to VAOs and VAs in understanding their roles and responsibilities;
 - (3) Help posts develop voting action plans;
 - (4) Advise posts of general voting laws and/or criteria and subsequent changes;
 - (5) Provide accurate non-partisan voting information for posts to disseminate to U.S. citizens living overseas;
 - (6) Send out periodic announcements for dissemination through wardens and other networks about upcoming elections, changes in state procedures for registration and submission of registration forms and ballots;
 - (7) Advise posts about voting reporting requirements;
 - (8) Provide guidance to Voting Assistance Officers and Voting Assistants on ordering forms and obtaining supplies;
 - (9) Mail Voting Assistance Guide and motivational posters to posts; and
 - (10) Inform and remind posts about outreach programs.

7 FAM 1515 ROLE OF CA/OCS/PRI

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The Office of Policy Review and Interagency Liaison (PRI) is the Department's liaison with other Federal, state and local agencies regarding legal and policy issues concerning overseas absentee voting and the enforcement of applicable laws. Send legal questions on voting issues to CA/OCS/PRI by telegram, FAX (202-736-9111), or e-mail (ASKPRI@state.gov).

7 FAM 1516 THROUGH 1519 UNASSIGNED