

7 FAM 1540

BASIC ABSENTEE VOTING PROCESS

(CT:CON-297; 04-24-2009)
(Office of Origin: CA/OCS/PRI)

7 FAM 1541 SUMMARY

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

The Consular Voting Assistance Officer needs to be familiar with the basic absentee ballot voting process. See Chapter II of the Voting Assistance Guide (VAG) for common problems Local Election Officials (LEO) have in processing Federal Post Card Applications (FPCAs). Here is how it works:

- (1) The citizen completes and mails the Federal Post Card Applications (FPCA) or On-Line Version of FPCA (OFPCA);
- (2) The citizen must make certain that the information on the FPCA or OFPCA is completely legible;
- (3) The LEO approves the registration request or requests further information;
- (4) The LEO mails the absentee ballot to the overseas voter; and
- (5) The citizen votes and mails absentee ballot to the LEO in time to meet state deadlines.

7 FAM 1542 REGISTERING TO VOTE AND REQUESTING AN ABSENTEE BALLOT

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

See Chapter II of the Voting Assistance Guide (VAG).

7 FAM 1543 FEDERAL POST CARD APPLICATION AND ABSENTEE BALLOT REQUEST (FPCA)

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

The Registration and Absentee Ballot Request; Form SF-76, Federal Post Card Application (FPCA) is a postage-free postcard, printed and distributed

by the Federal Voting Assistance Program (FVAP) for use by absentee voters covered by Uniformed and Overseas Citizen Absentee Voting Act (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 1544 FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)

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

- a. If the voter has not received his/her state ballot from the state local election office in a timely manner, (usually before three weeks prior to the ballot receipt deadline) he or she should mail in a Form SF-186, Federal Write-In Absentee Ballot (FWAB) to the Local Election Official. See the online Version of FWAB, chapter II of the Voting Assistance Guide, chapter III of the Voting Assistance Guide for state-by-state requirements, and FVAP links to state election sites.
- b. A limited number of states allow the use of Federal Write-In Absentee Ballots for elections for other than Federal offices, (see Chapter III of the Voting Assistance Guide, and chapter II of the Voting Assistance Guide for voting residency guidelines).

7 FAM 1545 ON-LINE FEDERAL POST CARD APPLICATION (OFPCA)

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

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 of Form SF-76-A. See the State Absentee Registration and Voting Procedures 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. Chapter III of the Voting Assistance Guide provides the addresses of registrars by state.

7 FAM 1546 TAX LIABILITY IMPLICATIONS

(CT:CON-297; 04-24-2009)

- 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 in a new state will cancel the voter's registration at his/her previous residence and may cause him/her to incur state or local tax liabilities in the new place of registration. The Voting Assistance Guide provides additional information.
- b. Under 42 U.S.C. 1973ff-5, a vote for Federal officials only, i.e., the President, Vice President, a U.S. Senator and a Member of the House of Representatives, may 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 United States 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. The Voting Assistance Guide provides 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 (IRS) (see 7 FAM 529) and/or the individual state's Department of Taxation if he/she has specific tax related questions.

7 FAM 1547 COMPLETING A VOTED ABSENTEE BALLOT

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

- 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 Voting Assistance Guide 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 Voting Assistance Guide, and 7 FAM 1520 Voting Materials.
- c. On-line Voting: At this time, voting over the Internet is not an option for U.S. citizens living overseas. See the voting over the internet site for the latest developments.

7 FAM 1548 TRANSMISSION OF FEDERAL POST CARD APPLICATION (FPCA) OR ON-LINE FEDERAL POST CARD APPLICATION (OFPCA) TO LOCAL ELECTION OFFICIALS

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

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.

- (1) Diplomatic pouch: Available to both the official and private U.S. community for sending election materials to the U.S. Voting Assistance Officers 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).
- (2) Military Postal Service (APO/FPO facilities): Any U.S. citizen may use APO/FPO facilities for mailing election material in all circumstances. Voting Assistance Officers should publicize widely the total transit time for mail sent via APO/FPO to local election officials. (See 5 FAM 323).
- (3) 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 United States. Allow one to three weeks prior to the deadline for receipt of ballots.
- (4) Courier Service: Using a courier company may be the fastest way to send a voted FPCA or OFPCA to local election officials in the United States. 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.
- (5) 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 II, chapter III, and Appendix C of the Voting Assistance Guide for specific details. 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. You may assist voters who otherwise do not have

access to a FAX machine by FAXING his/her ballot to the Local Election Official using U.S. embassy or consulate fax equipment in accordance with the instructions in the Voting Assistance Guide as long as it does not unduly interrupt office operations.

- (6) 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. (See 22 CFR 22.1 Schedule of Fees).

7 FAM 1549 UNASSIGNED