

ABSENTEE VOTING FOR U.S. CITIZENS

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the military and Overseas Voter Empowerment Act (MOVE) grant U.S. citizens overseas the right to vote in federal elections in the United States. Federal elections include primaries as well as general and special elections for the President, Vice President, U.S. Senators, and U.S. Representatives to Congress. The UOCAVA applies only to federal elections. However, many states have enacted legislation whereby certain categories of citizens residing overseas can vote by absentee ballot for state or local officials. The same procedures for obtaining ballots are used for both local and federal elections.

The **process** is straightforward. You need to submit a Federal Post Card Application (FPCA) to the voting officials in the appropriate state in the United States. Once they have received it and confirmed your registration, they will send you an absentee ballot which you will then fill out and return according to the instructions provided along with the ballot itself. The Embassy itself does not supply ballots nor can you vote there.

The *appropriate state* is the state of your "voting residence." A voting residence is the legal residence or domicile in which you could vote if you were present in that state. The rules for determining that state depend on your status overseas.

- Military and Merchant Marine members, and their spouses and dependents, may register to vote in the domicile (state) that the member claims as his or her residence.
- Civilian U.S. Government employees overseas, and their spouses and dependents, generally register in the state they claim as their legal residence.
- Overseas citizens (not affiliated with the U.S. Government) must vote in their last state of residence immediately prior to departure from the United States. This rule applies even if the voter no longer maintains any abode in that state nor has any intention of returning to it.
- American citizens who have never resided in the United States should apply to the state where their American citizen parent(s) last resided, although they should be aware that not all states will grant such a request. Please refer to the state instructions.

Step One: Obtaining the FPCA: You may obtain a FPCA in a number of different ways. You may print one from www.fvap.gov (the Federal Voting Assistance Program [FVAP] website); pick one up at any of the various voter registration events that occur in the United Kingdom during an election year; email or fax a request to your state of residence (contact information is available at www.fvap.gov); or send a request to the Embassy by e-mail to LondonVote@state.gov or by letter to U.S. Embassy, Special Consular Services, Voting Unit, 24 Grosvenor Square, W1A 1AE. If you request your form through the Embassy, please tell us the number of FPCAs you need and the state of

your voting residence. Be sure to include a return address. Please note that American Samoa, Guam, and Ohio do not accept the online version of the FPCA.

Step Two: Completing the FPCA: The form comes with its own set of general instructions. If you request your FPCA from the Embassy, we will send you additional instructions for completing the form in accordance with your state's requirements. These are also in the most recent Voting Assistance Guide, available online at www.fvap.gov. The Voting Assistance Guide contains up-to-date requirements for voting in each state, including the dates of the elections and the deadlines for applying for your ballot. States are required to mail ballots at least 45 days prior to a federal election. A good rule of thumb is to apply at least 60 days before the election to ensure that you get your materials in time to send them back before election day. Keep in mind that under MOVE, states are now prohibited from rejecting marked ballots based on notarization, paper size, or paper weight requirements. However, witnessing requirements of individual states remain in place.

Step Three: Mailing the FPCA: After you have completed the FPCA, address it to the appropriate city or county office in the United States. The state instructions contain a list of addresses. If you choose to send the card through Royal Mail, you must affix international postage. If you drop the card off at the Embassy, we can send it through the U.S. postal system at no cost. If you are running up against a deadline, check the extract from the Voting Assistance Guide for your state to see if it allows you to fax your request. Keep in mind that you still have to send the FPCA by post; the fax enables you to beat a deadline but it cannot substitute for the signed original.

Step Four: Voting: If all goes well, your local state officials will register you and send you a ballot which you will fill out and return according to the instructions you are given. In some cases, local officials may need to contact you in order to confirm your prior residency in the state and your citizenship before they will send you a ballot. It is important to provide accurate contact information on the FPCA and to explain any unusual circumstances in the space provided.

If you have not received your ballot and your FPCA was mailed in time to be received by your local election official 30 days prior to the election, you may be eligible to use the Federal Write-in Absentee Ballot (FWAB) to vote for federal offices (President/Vice President, Senator, and Representative). The FWAB may be used only for general elections and is an emergency backup for voters who expect to be able to use the regular absentee ballot from their state or territory but who did not receive that ballot in time to vote and return it. The FWAB must be received by the local election official no later than the deadline for receipt of regular absentee ballots under state law. The FWAB is to be used to assist those voters who would be disenfranchised through no fault of their own, and is not designed as a replacement for the regular state ballot. You may obtain a

FWAB from the Embassy. There is also an online version available at www.fvap.gov. If you receive your ballot after you have submitted the FWAB, you still must submit the ballot. The ballot, and not the FWAB, will be counted.

Will I incur tax liability by registering to vote? 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. If you are a civilian U.S. citizen residing outside the United States and wish to avoid being classified as a state resident for tax purposes, you should identify yourself as "A U.S. citizen residing outside the U.S. indefinitely" on the FPCA. You will normally receive a federal ballot only. If the state sends you a full ballot because it does not print a separate federal ballot, you may vote the full ballot without incurring a tax liability. Note, however, that some applications for ballots or the ballots themselves will ask you whether you want to vote for state officials up for election (such as candidates for governor and state legislatures). The law only covers federal officials. If you decide to vote for state officials, you may incur tax obligations. Before voting, consult the Voting Assistance Guide or an attorney.

Denial of right to vote: Any person who believes that he or she has been wrongfully denied the right to vote should follow the procedures outlined in the Voting Assistance Guide. Alternatively, contact the Civil Rights Division of the U.S. Department of Justice, Washington, D.C. 20520.

For questions or more information, please see the FVAP website at www.fvap.gov or contact the Embassy by e-mail at LondonVote@state.gov or by letter to U.S. Embassy, Special Consular Services, Voting Unit, 24 Grosvenor Square, W1A 1AE.