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New Law Makes Absentee Voting Easier for Overseas Americans

On October 28, 2009, Congress enacted the Military and Overseas Voter Empowerment (MOVE) Act. This legislation amends existing law regarding overseas voting in federal elections, and should make voting easier for overseas Americans.

New Procedures for 2010 Elections

Beginning with the November 2010 general election, and for all subsequent general, special, and primary elections, states will be required to mail out ballots at least 45 days prior to an election for a federal office. This requirement may cause some states to select earlier primary dates in order to comply with the 45 day mailing deadline, or to request waivers due to special circumstances.

In addition to mailing ballots to overseas voters, the states will be required, at the voter's request, to provide registration forms, absentee ballot request forms, and blank ballots via fax or email. However, each state's laws determine whether ballot requests or voted ballots can be returned via fax or email. The new law prohibits states from rejecting marked ballots based on notarization, paper size, or paper weight requirements. The witnessing requirements of individual states remain in place.

Overseas Absentee Ballot Requests

Effective immediately, states will no longer be required by federal law to continue to mail election materials to overseas addresses (even when they are determined to be invalid) for two complete general election cycles on the basis of a single ballot request. It will now be up to each state to determine how long to continue to send out election materials before requiring overseas voters to submit new ballot requests. This change, sought by local election officials, should greatly decrease the volume of voting materials sent abroad to addresses where Americans no longer reside.

State Department Recommendations

In light of these changes, the Department of State recommends that all U.S. voters residing abroad request absentee ballots from their local election officials at the start of each calendar year, and whenever there is a change of address, change of e-mail address, or change of name, by completing and sending in a Federal Post Card Application (FPCA). To locate information on your specific state's requirements, and to obtain an on-line version of the FPCA, please visit www.fvap.gov. Voters may also pick up a hard copy of the FPCA from any U.S. embassy or consulate. FPCAs may be mailed to your local voting officials in the United States via international mail or from any U.S. embassy or consulate. Many states allow U.S. citizens overseas to submit the FPCA by e-mail or fax.

The Department of State strongly encourages all U.S. overseas voters to provide email addresses or fax numbers on their FPCAs to enable local election officials to transmit election materials in the fastest manner available, which should then allow sufficient time for the return of voted ballots. For information regarding your specific state, please visit www.fvap.gov.

Emergency Ballots

The Federal Write-In Absentee Ballot (FWAB) serves as an emergency ballot for the November general elections for federal offices, although some states also permit its use for elections for state and local offices. Beginning in January 2011, the new law allows use of the FWAB for primary, special, and runoff elections for federal offices. Voters who request an absentee ballot in advance of their state's ballot request deadline, but who fail to receive an official ballot from local election officials in time to vote, should complete the Federal Write-In Absentee Ballot and send it back to local election officials in time for it to be counted. An on-line version of the FWAB, together with instructions for its use, is available at www.fvap.gov.

Questions?

The Voting Assistance Officer at the U.S. Embassy, Kuala Lumpur is also always available to answer questions about absentee voting. To contact the Voting Assistance Officer, call (03) 2168-5000 or send an e-mail to votekualalumpur@state.gov (include your local phone number in your e-mail).