

Campaign 2000

Voting residency guidelines for U.S citizens

Compiled from the Federal Voting Assistance Program website

Editor's note: Because the issue of voting residence may be complex, the following are guidelines to help you determine your state of legal residence for voting purposes. Always consult with legal counsel for specifics.

Uniformed services and family members

Foremost, you should keep in mind that uniformed service personnel and their family members may not arbitrarily choose which state to declare as their legal voting residence without meeting the state's residency requirement. The following are basic guidelines to follow in determining residency for military personnel and their family members:

- One must have or had physical presence in the state and simultaneously the intent to remain or make the state his/her home or domicile.
- One may only have one legal residence at a time, but may change residency each time he or she is transferred to a new location.
- One must make a conscious decision to change residency; it cannot be done accidentally. There must be certain specific actions which may be interpreted as conscious decisions, e.g., registering to vote, registering a car, qualifying for in-state tuition, obtaining a driver's license, etc.
- Once residence is changed, a person may not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

• "Home of Record" should not be confused with legal residence. "Home of Record" is the address a military member had upon entry into the service. It does not change. "Home of Record" and legal residence may be the same address, and usually are, when a person enters military service. It can remain so even though the person or his/her relatives no longer live at that location, as long as the military member has not established a residence elsewhere after entering on active duty. If a military member changes legal residence after entering on active duty, he/she may not revert to claiming the "Home of Record"



as legal residence without re-establishing physical presence and intent to remain in or return to that state.

• Family members of active duty military personnel may each have a different legal residence. A spouse does not automatically assume the legal residence of the active duty member upon marriage. The spouse must meet the physical presence and intent to remain or return criteria. Minors typically assume the legal residence of either parent, and when they become 18, they also have the option of establishing their own legal residence which can be different from either parent, assuming they have met the guidelines of physical presence and intent to remain or return. These are general guidelines for determining your legal residency for voting purposes.

Civilian citizens outside the United States

For civilian citizens residing outside the United States, your "legal state of residence" for voting purposes is the state you last resided immediately prior to your departure from the United States. This right extends to overseas citizens even though they may no longer own property or have other ties to their last state of residence and their intent to return to that state may be uncertain.

Keep in mind that 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 purposes of imposing state and local taxes. If you claim a particular state as your residence and have other ties with that state in addition to voting, then you may be liable for state and local taxation, depending upon that particular state law.

Always when completing the Federal Post Card Application (FPCA), be sure that you consult the appropriate state section in Chapter 3 of the 2000-01 Guide and that you complete the residence section of the form by entering the complete street address of your last residence in that state, including your street or rural route and number.

If using a rural route number, include specific location of residence. Your right to vote in your state and determination of voting precinct depend on your physical residence while you were within that state.

Voting frequently asked questions

Can I vote absentee?

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.

In addition, all members of the Armed Forces, their family members and members of the Merchant Marine and their family members, who are U.S. citizens, may vote absentee in state and local elections.

How do I apply for an absentee ballot?

The Federal Post Card Application (FPCA) is accepted by all states and territories as either an application for registration form or for registration, or as an application for absentee ballot. You may also send a written request for a ballot to your county, city, town or parish clerk.

What is my "legal state of residence?"

For voting purposes, your "legal state of residence" can be the state or territory where you last resided prior to entering military service or the state or territory which you have since claimed as your legal residence.

To claim a new legal residence you must have simultaneous physical presence and the intent to reside at that location as your primary residence.

Military and family members may change their legal residence every time they change permanent duty stations or they may retain their legal residence without change.

A legal officer should be consulted before legal residence is changed because there are usually

other factors which should be considered besides voting.

Be sure to enter the complete address of your legal residence, including street or rural route and number, when completing the residence section of the FPCA.

Even though you may no longer maintain formal ties such as property ownership to that residence, the address is needed to place you in a proper voting district, ward, precinct or parish.

Can I vote where I am stationed?

Military members may vote in the state or territory where stationed if they change their legal residence to that state or territory, even if they live on a military installation.

Be advised that there are legal obligations which may be incurred, such as taxation, when changing your state or territory of residence.

At the present time, there are no provisions for personnel stationed outside the United States to vote, in person, where stationed.

My family members are not in the military; can they also vote absentee?

The law entitles eligible family members of military personnel to vote absentee.

Family members are considered to be in the same category of absentee voter as military members and generally should follow the same procedures.

Family members of military personnel residing overseas, who are U.S. citizens and who have never resided in the U.S., usually claim one of their parent's legal state of residence as their own.

Where can I find assistance?

Specific information on applying for absentee registration and a ballot is contained in the 2000-01 Voting Assistance Guide.

Hard copies of the guide are available from Voting Assistance Officers assigned to units of military installations and at each U.S. Embassy or Consulate.

In addition, hard

copies are also available at U.S. citizen organizations overseas, corporate offices of U.S. companies and also available for sale to the public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Members of the Armed Forces and Embassy/Consulate personnel can obtain hard copies and CD-ROM versions of the guide through their normal distribution channels or by contacting their Service or Department of State Voting Action Officer.

Other overseas citizens can request these materials by contacting the FVAP directly at vote@fvap.ncr.gov.

Do I have to be registered to vote absentee?

Registration requirements vary from state to state. Many states and territories allow the citizen to register and request an absentee ballot by submitting a single FPCA.

However, other states may require the use of two separate FPCA forms: one to register, and a second FPCA to request an absentee ballot. Consult Chapter 3 of the 2000-01 Voting Assistance Guide for specifics.

Where do I send my FPCA?

Chapter 3 of the guide outlines absentee voting procedures for each state and territory. In your state or territory of legal voting residence under the heading of "Where to Send It" you will find a list of addresses for county and local election officials.

At present, there are no provisions to allow for submission of the FPCA through the Internet.

Must I submit a separate application for each election?

In some states and territories you must submit a separate FPCA for each election. Many states and territories accept a single FPCA for all ballots issued during an election year. When in doubt, send a separate application for each

election.

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

Generally, election materials may be witnessed or sworn to before a notary, U.S. Commissioned Officer, Embassy or Consular officer or other official authorized to administer oaths.

Most states and territories do not require notarization of the FPCA or ballot, therefore consult Chapter 3 of the guide to determine your state's or territory's requirements. In all instances you must sign the FPCA.

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

Generally, all election-related materials are mailed postage paid from any APO or FPO mail facility, all U.S. Embassies and Consulates and any post office in the United States.

You must pay postage if the materials are mailed from a non-U.S. postal facility. As mentioned earlier, at present, there are no provisions to allow for submission of the FPCA through the Internet.

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

Generally, FPCA used to request a ballot should be received by election officials at least 45 days before election day to allow ample time to process the request and mail the ballot.

If applying for both registration and an absentee ballot, the FPCA may have to be mailed earlier.

When should I receive my ballot?

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 the Federal Voting Assistance Program's (FVAP) Ombudsman Service to determine when your ballot was mailed.

2000 presidential and state primaries

State	Presidential Primary	State Primary
Alabama	June 6	June 6
Alaska	-	August 22
American Samoa	-	-
Arizona	February 22	September 12
Arkansas	May 23	May 23
California	March 7	March 7
Colorado	March 10	August 8
Connecticut	March 7	September 12
Delaware	-	September 9
Dist. of Col.	March 14	September 5
Florida	March 14	September 5
Georgia	March 7	July 18
Guam	-	September 2
Hawaii	-	September 23
Idaho	May 23	May 23
Illinois	March 21	March 21
Indiana	May 2	May 2
Iowa	-	June 6
Kansas	April 4	August 1
Kentucky	May 23	May 23
Louisiana	March 14	October 7
Maine	March 7	June 13
Maryland	March 7	March 7
Mass.	March 7	September 19
Michigan	February 22	August 8
Minnesota	-	September 12
Mississippi	March 14	March 14
Missouri	March 7	August 8
Montana	June 6	June 6
Nebraska	May 9	May 9
Nevada	-	September 5
New Hampshire	-	September 12
New Jersey	June 6	June 6
New Mexico	June 6	June 6
New York	March 7	September 12
N. Carolina	May 2	May 2
N. Dakota	-	June 13
Ohio	March 7	March 7
Oklahoma	March 14	August 22
Oregon	May 16	May 16
Pennsylvania	April 25	April 25
Puerto Rico	March 5 (R) March 12 (D)	November 14
Rhode Island	March 7	September 12
S. Carolina	-	June 13
S. Dakota	June 6	June 6
Tennessee	March 14	August 3
Texas	March 14	March 14
Utah	March 10	June 27
Vermont	March 7	September 12
Virginia	February 29	September 19
Washington	February 29	September 19
W. Virginia	May 9	May 9
Wisconsin	April 4	September 12
Wyoming	-	August 22

Pacific Fleet voting site now available

By Pacific Fleet Public Affairs

With presidential primaries in full swing across the nation,

Americans are gearing up to exercise their right and responsibility as citizens to vote — including Sailors and their family members serving throughout the world.

To help them, the Pacific Fleet has launched its Vote 2000 web site at www.cpf.navy.mil/vote2000.

The site features news on voting assistance; key election dates for all states, territories and commonwealths; answers to frequently asked questions on absentee voting; and links to state and federal voting web sites.