

ADVISORY No. 2010-06
September 17, 2010

To: All County Boards of Elections

Re: UOCAVA Voters – Uniformed Services and Overseas Absentee Voters

Overview

The *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA), 42 U.S.C.A. 1973ff governs the rights of certain United States citizens to vote in elections conducted in Ohio for the offices of United States president and vice-president, member of the U.S. Senate, and member of the U.S. House of Representatives, even if those citizens do not currently reside in Ohio. UOCAVA was substantively amended in 2010 by the *Military and Overseas Voter Empowerment (MOVE) Act*, as set forth in Subtitle H (“Military Voting”) of Title V of the *National Defense Authorization Act for Fiscal Year 2010*, Public Law 111-84. The General Assembly incorporated the provisions of the MOVE Act into Ohio law via the enactment of Am. Sub. H.B. No. 48. The relevant provisions of the state legislation became effective on July 2, 2010.

The provisions of the MOVE Act and Am. Sub. H.B. No. 48 are intended to increase the participation of individuals who are eligible to vote in accordance with UOCAVA in the electoral process. Any individual eligible to vote in accordance with UOCAVA now may request, receive and return voter registration applications by electronic means; e.g., via fax or email. R.C. 3503.19(B). UOCAVA voters are permitted to request, receive and return by electronic means voter registration forms and absentee ballot applications, and to request and receive by electronic means the appropriate uniformed services absent voter’s ballots or overseas absent voter’s ballots, under procedures established by the secretary of state. R.C. 3511.021(A). Additionally, a UOCAVA voter must have available to him or her a free access system established by the secretary of state to track the UOCAVA voter’s absentee ballot through the process, from application to the official canvass, and to be notified of errors during the process so that he or she may provide correcting information to ensure the counting of his or her UOCAVA ballot. R.C. 3511.021(B). Another significant amendment requires each board of elections to have its uniformed services absent voter’s ballots and overseas absent voter’s ballots ready for use not later than 45 days before an election, subject to certain exceptions. R.C. 3509.01(B)(1), R.C. 3511.04(B) and (D).

The citizens covered by UOCAVA fall into one of two specific categories:

1. **Uniformed services voters:** U.S. citizens who are members of the U.S. Armed Services (Army, Navy, Marines, Air Force and Coast Guard), the commissioned corps of the Public Health Service, the commissioned corps of the National Oceanic and Atmospheric Administration, the merchant marine, and eligible spouses and dependents

of these uniformed services voters, which spouses and dependents, by reason of their family member's active duty service, are absent from the Ohio residence where they are otherwise qualified to vote.

2. **Overseas voters:** U.S. citizens who are not uniformed services voters who reside outside the U.S. and are, or would be, qualified to vote in the last place in which they were domiciled before leaving the United States.

The UOCAVA (the federal Act) may be viewed on the Web site of the Federal Voting Assistance Program (FVAP): www.fvap.gov/resources/media/uocavalaw.pdf. The FVAP is a part of the U.S. Department of Defense and oversees the implementation of, and compliance with, UOCAVA provisions. The FVAP's Web site (www.fvap.gov) is an excellent source of information and forms useful to UOCAVA voters and local election officials, including the Federal Post Card Application (FPCA) for voters and electronic transmission instructions for election officials.

The Overseas Vote Foundation, in collaboration with the secretary of state, maintains a useful, accessible Web site offering registration and absentee ballot application forms that populate online for downloading and printout by Ohio's UOCAVA voters. The Web site can be viewed at: <https://ohio.overseasvotefoundation.org/overseas/home.htm>. The Overseas Vote Foundation's Web site also is accessible through the Ohio Secretary of State's website at www.sos.state.oh.us/SOS/voter/AdvocacyInfo.aspx (click on the links under "Absentee Voting/Vote by Mail" at the bottom of the screen), and at www.sos.state.oh.us/sos/vri.aspx (click on the Overseas Vote Foundation link in the left hand column).

Am. Sub. H.B. No. 48 consolidated the provisions governing the voting rights of UOCAVA voters into Ohio Revised Code Chapter 3511. Consequently, Ohio Revised Code Chapter 3509 as amended by Am. Sub. H.B. No. 48 no longer contains provisions relating to UOCAVA absentee voters.)

This advisory provides a review of the federal and state laws that govern the handling of voter registration applications, absentee ballot requests received from UOCAVA voters, and the transmitting of absentee ballots to UOCAVA voters, along with new options available to them and to boards of elections to ensure faster transmission and counting of UOCAVA ballots. Unless otherwise noted, these provisions apply to all federal elections and to many state and local elections.

All boards of elections are receiving under separate cover the procedures established by the secretary of state pursuant to R.C. 3511.021(A) that allow any person who is eligible to vote in accordance with UOCAVA to apply by electronic means to the office of the secretary of state or to the board of elections of the county in which the person's voting residence is located for a uniformed services or overseas absent voter's ballot. All boards received under separate cover details of the free access system (known as the Central Ballot Tracking System or "CBTS") established by the secretary of state pursuant to R.C. 3511.021(B) that allows an absent uniformed services voter or overseas voter to determine the status of the voter's absentee ballot application and the voter's ballot.

To assist in locating the information that applies to a particular situation or question, this advisory is organized into the following categories:

- I. Definitions
- II. Absent Uniformed Services Voters

- III. Overseas Voters
- IV. Federal Write-in Absentee Ballot (FWAB)

I. Definitions

A. “Uniformed services” means the U.S. Army, Navy, Marines, Air Force, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.¹

B. “Uniformed services voter” means:

1. A member of a uniformed service on active duty who, by reason of such active duty, is absent from the member’s place of residence where the member is otherwise qualified to vote;
2. A member of the merchant marine who, by reason of service in the merchant marine, is absent from the member’s place of residence where the member is otherwise qualified to vote; and
3. A spouse or dependent of a member referred to in paragraphs (1) or (2) above, who, by reason of the active duty or service of the member, is absent from the person’s place of residence where the spouse or dependent is otherwise qualified to vote.

C. “Overseas voter” means:

1. A person who is not a uniformed services voter who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or
2. A person who is not a uniformed services voter who resides outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

D. “Federal Post Card Application” (FPCA) means the federally prescribed form used by a uniformed services voter or overseas voter to register to vote and/or to request absentee ballots from local election officials. Voters may use either the cardstock FPCA (which can be obtained from the Federal Voting Assistance Program, telephone (800) 438-8683 or email vote@fvap.ncr.gov) or the online FPCA, and which can be downloaded from <http://www.fvap.gov/resources/media/fpca.pdf> .

E. “U.S. Citizen” means the native born or naturalized citizens of the 50 states, the District of Columbia, Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands.

¹ Because an absent uniformed services voter is a citizen on *active duty* with a *uniformed service*, neither a uniformed service member on *reserve* status nor a member of Ohio’s organized militia qualifies as an absent uniformed services voter. However, if a member of a U.S. armed forces reserve unit or the Ohio organized militia is called to active duty with the U.S. armed forces, then that person’s status changes during the time of active duty to that of a uniformed service member. Consequently, if the person’s active duty service takes the person away from his or her Ohio voting residence, then the person is an absent uniformed services voter under UOCAVA. If the person’s spouse and/or dependent(s) leave their Ohio voting residence to be with or near the service member, they likewise come within the absent uniformed service voters classification. Special absentee voting provisions for Ohio’s organized militia members on active duty in Ohio are contained in R.C. 3509.031.

II. Absent Uniformed Services Voters

A. Generally

Both federal and state law contain provisions allowing qualified absent uniformed services voters to register to vote and to vote by absentee ballot. *See generally*, 42 U.S.C. 1973ff-6; R.C. 3511.01, 3501.02 and 3511.021.

B. Eligibility of Uniformed Services Voters to Vote Absentee in Ohio Elections

Members of the uniformed services, and their spouses and dependents who have left Ohio to be with or near the uniformed services member, may vote the uniformed services absent voter's ballots while away from their qualifying Ohio voting residence, whether they are stationed within or outside the United States, if they meet the voting eligibility requirements set forth in R.C. 3511.01:

R.C. 3501.11. Any section of the Revised Code to the contrary notwithstanding, any person who qualifies as a uniformed services voter *** as defined in 42 U.S.C. 1973ff-6, who will be eighteen years of age or more on the day of a general or special election and who is a citizen of the United States, may vote uniformed services *** absent voter's ballots in such general or special election as follows:

(A) If an absent uniformed services member is the voter, the service member may vote only in the precinct in which the service member has a voting residence in the state, and that voting residence shall be that place in the precinct in which the service member resided immediately preceding the commencement of such service, provided that the time during which the service member continuously resided in the state immediately preceding the commencement of such service plus the time subsequent to such commencement and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

(B) If the spouse or dependent of an absent uniformed services member is the voter, the service member's spouse or dependent may vote only in the precinct in which the spouse or dependent has a voting residence in the state, and that voting residence shall be that place in the precinct in which the spouse or dependent resided immediately preceding the time of leaving the state for the purpose of being with or near the service member, provided that the time during which the spouse or dependent continuously resided in the state immediately preceding the time of leaving the state for the purpose of being with or near the service member plus the time subsequent to such leaving and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

(C) If an absent uniformed services member or the service member's spouse or dependent establishes a permanent residence in a precinct other than the precinct in which the person resided immediately preceding the commencement of the service member's service, the voting residence of both the service member and the service member's spouse or dependent shall be the precinct of such permanent residence, provided that the time during which the service member continuously resided in the state immediately preceding the commencement of such service plus the time subsequent to such commencement and prior to the day of such general, special, or primary election is equal to or exceeds thirty days.

C. Registering to Vote

1. Generally

An absent uniformed services voter must be registered to vote in Ohio with the board of elections in the county in which the voter's qualifying voting residence is located before that board of elections can issue absentee ballots to the voter.

Am. Sub. H.B. No. 48 amended R.C. 3503.19 and enacted a new section of law, R.C. 3503.191, to allow any person eligible to vote under UOCAVA to request and receive voter registration applications by electronic means.

The procedures established by the secretary of state pursuant to R.C. 3503.191 are being provided to the boards of elections under separate cover.

2. Voter Registration Forms

A citizen who is eligible to register to vote in Ohio as an absent uniformed services voter may register to vote in Ohio or update the voter's existing Ohio voter registration using any of the following three forms:

- 1) **SOS prescribed voter registration form (Form #SEC4010)**. The form is available on the Secretary of State's Web site at: www.sos.state.oh.us/sos/upload/publications/election/VRform.pdf.
 - 2) **National Voter Registration Form**. The form is available on the Elections Assistance Commission Web site at: www.fabnit.com/nvra_update.pdf.
 - 3) **Federal Postcard Application**. The FPCA may be found on the Federal Voting Assistance Program Web site at: <http://www.fvap.gov/resources/media/fpca.pdf>. The absent uniformed services voter must submit a properly completed FPCA to the board of elections in the county in which the voter's qualifying voting address is located. The absent uniformed services voter also may use an FPCA to update the voter's existing Ohio voter registration.
- **Voter Registration Deadline Waived if FPCA Used**
The voter registration deadline is waived for absent uniformed services voters who use the FPCA to register to vote. However, an absent uniformed services voter must register to vote in Ohio *before* the board of elections in such voter's U.S. county of residence may issue ballots to the absent uniformed services voter.
 - **Documentary Proof of Personal Identification Waived if FPCA Used**
Uniformed services voters who use the FPCA to register to vote do not have to provide proof of personal identification otherwise required of voters by Ohio law.

D. Requesting Uniformed Services Absent Voter's Ballots

An absent uniformed services voter may receive uniformed services absent voter's ballots either by personally submitting a written request to the secretary of state's office or the board of elections in the county in which the uniformed service voter's qualifying voting residence is located. Additionally, a qualified relative of the absent uniformed services voter may submit a written request that ballots be sent to the absent uniformed services voter. The written request shall take one of four forms:

- 1) SOS Form 11-D, "Application for Uniformed Services Absent Voter's Ballot"
- 2) Federal Post Card Application (FPCA)
- 3) A valid and sufficient written request for uniformed services absent voter's ballots
- 4) SoS Form 11-E, "Application by Relative for Uniform Service Absentee Voter Ballot"

New section 3511.021(A) of the Revised Code provides that an absent uniformed services voter may use procedures established by secretary of state to request by electronic means an application for the uniformed services absent voter's ballots. The procedures shall allow the absent uniformed services voter to express a preference for the manner in which the voter will receive the requested application, whether by mail or electronically. The requested application shall be transmitted by the board of elections of the county in which the voter's voting residence is located by the preferred method. If the voter does not express a preferred method, the requested items shall be delivered via standard U.S. mail.

The procedures established by the secretary of state pursuant to R.C. 3511.021(A) are provided to the boards of elections under separate cover.

1. SOS Form 11-D, "Application for Uniformed Services Absent Voter's Ballot" – R.C. 3511.02(A)

An absent uniformed services voter who already is registered to vote in Ohio and only wishes to request uniformed services absent voter's ballots may submit a completed SoS Form 11-D to the appropriate county board of elections so that it arrives not later than noon on the third day before the election.

2. FPCA – R.C. 3511.02(B)

R.C. 3511.02(B) allows an absent uniformed services voter to use the FPCA to request a uniformed services absent voter's ballot. An absent uniformed services voter may use a single FPCA to request absentee ballots for all elections in which that individual is eligible to vote during a calendar year. An absent uniformed services voter who already is registered to vote in Ohio and wishes only to request a uniformed services absent voter's ballot may submit a completed FPCA to the director of the board of elections of the county in which the voter's qualifying voting address is located.

The FPCA shall be delivered to the director of the board of elections not earlier than the first day of January of the year of the elections for which the uniformed services absent voter's ballots are requested or not earlier than 90 days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than 12 noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the Election Day at which those ballots are to be voted if the application is delivered in person to the office of the board.*

*Note: The MOVE Act amendments to UOCAVA requirements indicate that an absentee ballot request for UOCAVA voters using a federal post card application ("FPCA") will only be valid for one year now (a calendar year).

However, the U.S. Department of Justice recommends honoring existing FPCAs on file from 2008 and 2009, which, at the time they were submitted, were valid for two federal election cycles (2008 and 2010). So, if a board of elections received an absentee ballot request on an FPCA from a UOCAVA voter or his or her qualified relative on the voter's behalf in 2008 or 2009, which would have entitled them to receive an absentee ballot for two federal election cycles, that request should also be honored for 2010.

Otherwise, absentee ballot requests from UOCAVA voters using an FPCA received in 2010 are only valid for all elections in 2010 (one calendar year).

The absent uniformed services voter may transmit the completed and signed FPCA to the appropriate board of elections by U.S. Postal Service or other delivery service (such as UPS or FedEx), via fax, or as a file attached to an email.

Absent uniformed services voters using the FPCA **do not** have to provide proof of personal identification otherwise required of voters by Ohio law.

If the ballot is to be sent to the absent uniformed services voter by mailed or electronic means, the application must be received by the director not later than noon on the third day before the election.

Note: An FPCA is valid **only** if used by an absent uniformed services voter or overseas voter in accordance with law. If a board of elections has personal knowledge that an elector who has an FPCA on file with the board no longer qualifies as a UOCAVA voter, the board should consider that FPCA is no longer valid. If the FPCA is not longer valid, the board of elections should notify the elector of his or her precinct polling location in the county.

3. Valid and Sufficient Written Request – R.C. 3511.02(A)

An absent uniformed services voter who is already registered to vote in Ohio and wishes only to request an absentee ballot need not use the FPCA or a form prescribed by the secretary of state request the ballot. The written request for an absentee ballot need not be in any particular form, but it must contain **all** of the following information, as prescribed by R.C. 3511.02(A):

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;
- (5) One of the following:
 - (a) The elector's driver's license number;
 - (b) The last four digits of the elector's social security number;
 - (c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under R.C. 3501.19 or a notice of voter registration mailed by a board of elections under R.C. 3503.19, that shows the name and address of the elector.
- (6) A statement identifying the election for which absent voter's ballots are requested;
- (7) A statement that the person requesting the ballots is a qualified elector;
- (8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6 (UOCAVA);
- (9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;
- (10) If the request is for primary election ballots, the elector's party affiliation;
- (11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;

(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

Additionally, an absent uniformed services voter may request that the ballot be transmitted via email, in which case the voter shall provide the board of elections the email address to which the board shall transmit the blank absent voter's ballot.

If the ballot is to be sent to the absent uniformed services voter by mail or electronic means, the application must be received by the director not later than noon on the third day before the election.

4. Requesting a Uniformed Services Absent Voter's Ballot via a Relative – R.C. 3511.02(B) and (C)

The spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew or niece of an absent uniformed services voter may request a uniformed services absent voter's ballot for the service member by using only the following two forms:

- 1) the FPCA in accordance with R.C. 3511.02(B), or
- 2) SOS Form 11-E, "Application by Relative for Uniform Service Absentee Voter Ballot," in accordance with R.C. 3511.02(C).

The absent uniformed services voter's relative must deliver, either in person or by U.S. Mail, the completed form, sworn to and signed by the service voter's relative, to the board of elections in the county in which the absent uniformed services voter's qualifying voting address is located.

E. When to Apply for Uniformed Services Voter's Absent Ballots

Each application for uniformed services absent voter's ballot shall be submitted to the board of elections in the county in which the applicant's qualifying voting address is located no earlier than January 1 of the year in which the election is held, or 90 days before the election – whichever is earlier – and, if the ballot is to be transmitted to the absent uniformed services voter by U.S. Mail, electronic means, or other delivery service, not later than noon on the third day immediately prior to the election. R.C. 3511.02.

F. Incomplete Applications

If a board of elections receives an application for a uniformed services absent voter's ballot that does not contain all of the required information, the board shall promptly notify the absent uniformed services voter of the additional information required to be provided by the applicant to complete the application. R.C. 3511.04(A).

Additionally, the provisions of recently enacted R.C. 3511.021(B) provide for the secretary of state, in coordination with the boards of elections, to establish a free access system by which an absent uniformed services voter may determine whether the voter's request for the uniformed services absent voter's ballot was received and processed.

The procedures established by the secretary of state pursuant to R.C. 3511.021(A) will be provided to the boards of elections under separate cover.

G. Transmitting Blank Absentee Ballots to Absent Uniformed Services Voters

A board of elections may transmit the uniformed services absent voter's ballot to the voter in one of three ways:

- 1) In person;
- 2) By U.S. Postal Service; or
- 3) By fax or email, as requested by the uniformed services voter.

The statutory procedures for transmitting blank ballots to absent uniformed services voters by U.S. Mail and electronic means are set forth in R.C. 3511.021(A)(2), 3511.05 and 3511.06.

In accordance with R.C. 3511.08, each board of elections shall keep a record of the name and address of each person to whom the board issues uniformed services absent voter's ballots, the kinds of ballots so issued, and the name and address of the person who applied for the ballots. A board of elections may create such a record using its Centralized Ballot Tracking System ("CBTS") in addition to its county voter registration system.

R.C. 3511.08 provides further that, after a board issues the requested uniformed services absent voter's ballots, the board shall not issue additional ballots of the same kind to the voter pursuant to a subsequent request *unless* (i) the subsequent request contains the statement that an earlier request had been sent to the board more than 30 days before the election and that the uniformed services absent voter's ballots requested had not been received by the voter by the 15th day before the election, and (ii) the board has not received an identification envelope purporting to contain marked uniformed services absent voter's ballots from the voter.

H. Return of Voted Absent Uniformed Services Absentee Ballots

1. In person, by U.S. Postal Service or by other delivery service (e.g., UPS, FedEx)

Absentee ballots voted by absent uniformed services members must be returned to the appropriate board of elections office in person, by U.S. Postal Service or by other delivery service (such as UPS or FedEx). **Voted absentee ballots cannot be returned electronically (e.g., via fax, email or other form of electronic transmission).** Moreover, Ohio law expressly provides that a board of elections shall not accept, process or count any ballot that is returned by electronic means. R.C. 3511.021(A)(4).

2. Deadlines

a. Uniformed services absent voter's ballots returned from within the United States

In order to be included in the official canvass, the deadline for returning otherwise valid uniformed services absent voter's ballots voted by absent uniformed services voters living outside Ohio but within the United States (including Alaska and Hawaii) depends on the method of return of the ballot. All ballots must be returned to the board of elections that issued the ballots (i.e., the board of the county in which the uniformed services voter's qualifying voting residence is located). The deadlines for ballot return are as follows:

- **Returned in person from any source:**

Must be received at the board of elections office no later than 7:30 p.m. on Election Day.

- **Returned by delivery service (such as Federal Express, etc.) other than the U.S. Postal Service:**

Must be received at the board of elections office no later than 7:30 p.m. on Election Day.

- **Returned via the U.S. Postal Service:**

Any return envelope containing a uniformed services absent voter's ballot that is delivered to the appropriate board of elections office no later than 7:30 p.m. on Election Day, regardless of whether the return envelope is postmarked, must be counted if valid in other respects.

R.C. 3511.11 (D)(1) provides that any otherwise valid uniformed services absent voter's ballot contained in a return envelope that is postmarked within the United States prior to the day of the election but received after the close of the polls on Election Day through the 10th day thereafter shall be included in the official canvass. However, this provision does not apply to any mail that is postmarked using a postage evidencing system, including a postage meter, as defined in the relevant federal law (i.e., 39 C.F.R. 501.1). R.C. 3511.11(E)(3).

b. Uniformed services absent voter's ballots returned from outside the United States

A return envelope that indicates that the absent uniformed service voter will be outside of the United States on the day of an election is not required to be postmarked in order for the ballot contained in such envelope to be valid. An otherwise valid uniformed services absent voter's ballot that is:

- 1) received after the close of the polls on Election Day through the tenth day after the Election Day, *and*
- 2) delivered in a return envelope that indicates that the voter will be outside the United States on the day of the election,

must be included in the official canvass, regardless of whether the return envelope is postmarked or contains an illegible postmark. However, if a return envelope containing a uniformed services absent voter's ballot is postmarked, or the identification envelope in it is signed, after the close of the polls on Election Day, the uniformed services absent voter's ballot must not be counted. R.C. 3511.11(C).

3. Circumstances When Uniformed Services Absent Voter's Ballots Are Not to be Counted

A board of elections may not count a uniformed services absent voter's ballots for the reasons listed in R.C. 3511.11(E), set forth below. The board shall preserve any uncounted ballots in their identification envelopes, unopened, until the time the ballots may be destroyed in accordance with R.C. 3505.31. Following are circumstances when uniformed services absent voter's ballots are not to be counted:

a. Postmarked or ID envelope signed on or after Election Day:

Uniformed services or overseas absent voter's ballots contained in return envelopes and bearing the designation, "Official Election Uniformed Services or Overseas Absent Voter's Ballots," are received by the director after the close of

the polls on the day of the election, and either are postmarked, or contain an identification envelope that is signed, on or after Election Day;

b. No check box marked on reply envelope and no other indication from out-of-country and received after 10th day after Election Day:

Uniformed services or overseas absent voter's ballots contained in return envelopes and bearing that designation, do not indicate they are from voters who will be outside the United States on the day of the election and are received after the tenth day following the election ;

c. Envelope received within 10 days after Election Day but contains a private postage meter mark dated before Election Day:

Uniformed services or overseas absent voter's ballots contained in return envelopes and bearing that designation are received by the director within ten days after the day of the election and are postmarked before the day of the election using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

4. Sealing an ID Envelope Containing Marked Uniformed Services Absent Voter's Ballot

Upon receiving, no later than the tenth day after the election, a return envelope containing a uniformed service voter's absent ballot, the director shall open the return envelope but shall not open the identification envelope contained therein.

- If, upon opening the return envelope, the director finds ballots in it that are not placed in the identification envelope and sealed, the director – without looking at the markings on the ballots – and shall promptly place them in the identification envelope and seal it.
- If, upon opening the return envelope, the director finds that ballots are enclosed in the identification envelope, but that it is not properly sealed, the director – without looking at the markings on the ballots – shall promptly seal the identification envelope. R.C. 3511.11(A).

III. Overseas Voters

A. Generally

“Overseas” means any country *other than* the United States, including other nations in North and South America. “Overseas” *does not include* Alaska, Hawaii or U.S. territories. Both federal and state laws contain provisions allowing qualified overseas voters to register to vote and to vote by absentee ballot. *See generally*, 42 U.S.C. 1973ff-6; R.C. 3511.01, 3501.02 and 3511.021.

B. Eligibility of Overseas Citizens to Vote Absentee in Ohio Elections

Under federal law, a U.S. citizen who is not a uniformed services voter who resides outside the United States is qualified to vote in federal elections held in Ohio if Ohio was the last place in which the person was domiciled before leaving the U.S. and, but for such residency, the citizen would be qualified to vote in Ohio. The overseas citizen uses as his or her qualifying voting address the Ohio address at which the citizen resided for 30 consecutive days immediately before leaving the United States. If the overseas citizen cannot remember the exact street address, the board of elections should inquire regarding cross streets,

geographic markers, former neighbors, or other means of identifying the correct voting precinct in which the overseas citizen is eligible to vote.

There is no limit on the amount of time a citizen may live outside the U.S. and still be eligible to vote in federal elections, nor any requirement that the citizen intend to move back to Ohio in order to be eligible to vote in federal elections.

Nothing in federal law allows a U.S. citizen who has never lived in Ohio, or who has not been a resident of Ohio for at least 30 consecutive days during his/her life, to register to vote in Ohio as an overseas voter. For example, if a U.S. citizen who is eligible to vote as an overseas voter in Ohio has a child while living outside the U.S., the child of the U.S. citizen is not eligible to vote as an overseas voter in Ohio unless the child has been an Ohio resident for at least 30 days at some period in the child's life.

C. Registering to Vote

1. Generally

An overseas voter must be registered to vote in Ohio with the board of elections of the county in which the voter is qualified to vote so that the board can issue absent ballots to that voter. Am. Sub. H.B. No. 48 amended R.C. 3503.19 and enacted a new section of law, R.C. 3503.191, to allow any person eligible to vote under UOCAVA to request, receive and return voter registration applications by electronic means. R.C. 3503.19 also permits an overseas voter to "return the applicant's completed voter registration form electronically to the office of the secretary of state" in addition to the applicant's board of elections.

The procedures established by the secretary of state pursuant to R.C. 3503.191 are provided to the boards of elections under separate cover.

2. Voter Registration Using FPCA – R.C. 3511.02(B)

Any overseas citizen who is eligible to vote under UOCAVA and is not currently registered to vote at the Ohio address which was the citizen's domicile for the 30 consecutive days immediately before leaving the United States may use the FPCA to register. The FPCA may be accessed on the Web site of the Federal Voting Assistance Program, <http://www.fvap.gov/resources/media/fpca.pdf>.

The first paragraph of R.C. 3511.02 states that, "[n]otwithstanding any section of the Revised Code to the contrary, whenever any person applies for registration as a voter on a form adopted in accordance with federal regulations relating to the 'Uniformed and Overseas Citizens Absentee Voting Act,' 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), *this application shall be sufficient for voter registration and as a request for an absent voter's ballot.*" (Emphasis added.) The overseas voter must submit a properly completed FPCA to the board of elections in the county in which the person's qualifying voting address is located or, in accordance with R.C. 3511.021(A), the secretary of state's office.

The voter registration deadline is **not** waived for overseas voters who use the FPCA to register to vote. If a citizen was not registered to vote at the citizen's qualifying Ohio voting address before leaving the United States, the properly completed FPCA must be received or postmarked no later than 30 days before the election. If the FPCA contains

no postmark or an illegible postmark, then it must be received by the board of elections or the secretary of state no later than the 25th day before the election. R.C. 3503.19(A).

D. Requesting Overseas Absent Voter's Ballots

New section 3511.021(A) of the Revised Code provides that an overseas voter may use procedures established by secretary of state to request by electronic means an application for overseas absent voter's ballots. The procedures shall allow the overseas voter to express a preference for the manner in which the voter will receive the requested application, whether by mail or electronically (fax or email). The requested application must be transmitted by the board of elections of the county in which the voter's voting residence is located by the preferred method specified by the voter. If the voter does not express a preferred method, the requested items must be delivered via standard U.S. mail.

The procedures established by the secretary of state pursuant to R.C. 3511.021(A) are provided to the boards of elections under separate cover.

1. All Overseas Voters

R.C. 3511.02 as amended by Am. Sub. H.B. No. 48 provides that overseas absent voter's ballots may be obtained by any person who qualifies as an overseas voter and is eligible to vote in Ohio in one of the following ways:

- By personally applying electronically to the secretary of state or to the board of elections of the county in which the persons voting residence is located in accordance with R.C. 3511.021,
- By personally applying to the director of the board of elections of the county in which the person's voting residence is located, or
- By having a qualified relative of the overseas voter make application to have overseas absent voter's ballots sent to an overseas voter by submitting a properly completed FPCA under R.C. 3511.02(B) or a properly completed form under R.C. 3511.02 (C) (SoS Form No. 11-H, "Application by Relative for Overseas Absent Voter's Ballot") requesting that the ballots be issued to the overseas voter.

Any application for overseas absent voter's ballots must be made in writing. Application shall be made in one of the following ways:

a. FPCA – R.C. 3511.02(B)

R.C. 3511.02(B) allows an overseas voter to use the FPCA to request overseas absent voter's ballots. An overseas voter may use a single FPCA to request absentee ballots for all elections in which that individual is eligible to vote during a calendar year. The FPCA shall be delivered to the director not earlier than the first day of January of the year of the elections for which the overseas absent voter's ballots are requested or not earlier than 90 days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than 12 noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board.*

*Note: The MOVE Act amendments to UOCAVA requirements indicate that an absentee ballot request for UOCAVA voters using a federal post card application ("FPCA") is only now valid for one year (a calendar year). However, the U.S. Department of Justice recommends that we honor existing

FPCAs on file from 2008 and 2009, which, at the time they were submitted, were valid for two federal election cycles (2008 and 2010). Therefore, if a board of elections received an absentee ballot request on an FPCA from a UOCAVA voter in 2008 or 2009 which would have entitled the UOCAVA voter to receive an absentee ballot for two federal election cycles, then that request should also be honored for 2010.

Otherwise, absentee ballot requests from UOCAVA voters using an FPCA received in 2010 are only good for all elections in 2010 (one calendar year).

The overseas voter may transmit the completed and signed FPCA to the secretary of state or to the director of the board of elections of the county in which the voter's qualifying voting residence is located by U.S. Postal Service or other delivery service (such as UPS or FedEx), via fax, or as a file attached to an email.

An overseas voter using the FPCA **does not** have to provide proof of personal identification otherwise required by Ohio law.

If the ballot is to be sent to the overseas voter by mailed or electronic means, the application must be received by the director not later than noon on the third day before the election.

Note: An FPCA is valid **only** if used by an absent uniformed services voter or overseas voter in accordance with law. If a board of elections has personal knowledge that an elector who has an FPCA on file with the board no longer qualifies as a UOCAVA voter, the board should consider that FPCA is no longer valid. If the FPCA is not longer valid, the board of elections should notify the elector of his or her precinct polling location in the county.

b. Valid and Sufficient Written Request – R.C. 3511.02(A)

The overseas voter may submit a written request to the director of the board of elections of county in which the voter's qualifying voting residence is located. The application must be received by the director not later than noon on the third day before the election. The application need not be in any particular form, but it shall contain **all** of the following information as prescribed by R.C. 3511.02(A):

- (1) The elector's name;
- (2) The elector's signature;
- (3) The address at which the elector is registered to vote;
- (4) The elector's date of birth;
- (5) One of the following:
 - (a) The elector's driver's license number;
 - (b) The last four digits of the elector's social security number;
 - (c) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under R.C. 3501.19 or a notice of voter registration mailed by a board of elections under R.C. 3503.19, that shows the name and address of the elector.
- (6) A statement identifying the election for which absent voter's ballots are requested;

- (7) A statement that the person requesting the ballots is a qualified elector;
- (8) A statement that the elector is an overseas voter as defined in UOCAVA;
- (9) A statement of the elector's length of residence in the state immediately before leaving the United States;
- (10) If the request is for primary election ballots, the elector's party affiliation;
- (11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;
- (12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.

Additionally, an absent overseas voter may request that the ballot be transmitted via email, in which case the voter shall provide the board of elections the email address to which the board shall transmit the blank absent voter's ballot.

c. Application by a Relative of the Overseas Voter – R.C. 3511.02(B), (C)

The spouse, father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole blood or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew or niece of an overseas voter may use a single FPCA or SoS Form No. 11-H, "Application by Relative for Overseas Absent Voter's Ballot" to apply for overseas absent voter's ballot for elections held during a calendar year. The overseas voter's relative must deliver, either in person or by U.S. Mail, the completed form, sworn to and signed by the relative, to the director of the board of elections of the county in which the absent overseas voter's qualifying voting address is located.

2. Overseas Voters currently maintains a qualifying Ohio voting address

In addition to applying for overseas absent voter's ballots using the FPCA or a written application that satisfies the requirements of R.C. 3511.02(A), an overseas voter who maintains a qualifying Ohio voting address as defined in R.C. 3503.02, may personally apply for overseas absent voter's ballots using the application prescribed by the secretary of state, SoS Form 11-A, "Application for Overseas Absent Voter's Ballot."

The overseas voter may submit a properly completed SoS Form 11-A to the director of the board of elections of the county in which the voter's qualifying voting residence is located. The application must be received by the director not later than noon on the third day before the election.

E. When to Apply for Overseas Absent Voter's Ballots

Overseas absent voter's ballots may be requested no earlier than January 1 of the year in which the election is held, or 90 days before the election – whichever is earlier – and, if the ballot is to be mailed to the overseas voter, not later than noon on the Saturday immediately prior to the election.

F. Incomplete Applications

If a board of elections receives a request for overseas absent voter's ballots that does not contain all of the required information, the board shall promptly notify the overseas voter of

the additional information required to be provided by the applicant to complete the application. R.C. 3511.04(A).

Additionally, the provisions of recently enacted R.C. 3511.021(B) provide for the secretary of state, in coordination with the boards of elections, to establish a free access system (the Central Ballot Tracking System, also known as “CBTS”) by which an overseas citizen may determine whether the voter’s request for the overseas absentee voter’s ballot was received and processed. The procedures established by the secretary of state pursuant to R.C. 3511.021(A) are provided to the boards of elections under separate cover.

G. Determining Type of Ballot to be Sent to Overseas Citizens

One of the determinations a board of elections must make **before** issuing an absentee ballot to an overseas voter is whether that person is eligible to vote a “full” ballot (federal, state, and local candidates and issues) or only a federal ballot (only candidates for president, vice-president and U.S. Congress, and not any issues or questions). That decision is determined by the individual overseas voter’s residency status:

1. Overseas voter currently maintains a qualifying Ohio voting address – “full ballot” eligibility:

An overseas voter who maintains a qualifying Ohio voting address as defined in R.C. 3503.02 may be eligible to vote a “full” ballot.

a. Requirements

All overseas voters are eligible to vote in federal elections. To be eligible to vote in state and local elections, as well as federal elections, an overseas voter must qualify as an Ohio elector. To be a qualified elector, the individual must, among other things, be registered to vote at a qualifying Ohio voting residence by the 30th day before the election. A person’s voting residence is defined in R.C. 3503.02 as the place in which a person’s habitation is fixed and to which, whenever absent, the person has the intention of returning. As discussed below, election officials may use a questionnaire to determine voter eligibility for state and local elections.

If an overseas voter who has lived outside Ohio for **less than four years** responds to the **questionnaire**, SoS Form No. 12-L, “Questionnaire for Overseas Absent Voter,” sent by a board of elections that he or she intends to return to his or her qualifying Ohio voting residence, then the overseas citizen is eligible to vote a “full” ballot and should be provided with a regular absentee ballot.

b. Federal and State Government Employees

U.S. citizens living overseas due to employment with federal or state government do not lose the right to vote in state and local elections in Ohio as the result of leaving their Ohio county of residence and should receive a “full” ballot. R.C. 3503.02(G).

2. Overseas voter does not have a qualifying Ohio voting address, does not intend to return to Ohio, or has lived outside Ohio for four years or more – only “federal ballot” eligibility:

a. **No qualifying Ohio address:** An overseas voter who does not have a qualifying Ohio voting address as defined in R.C. 3503.02 is eligible to vote only a federal ballot. The board of elections must determine the Ohio precinct in which the overseas voter resided immediately before leaving the United States to

live in another country in order to determine which federal candidates should appear on the overseas voter's federal ballot. If the overseas voter cannot remember the exact street address at which the person lived, the board of elections should inquire regarding cross streets, geographic markers, former neighbors, or other means of identifying the correct precinct for the overseas voter.

- b. **Based on questionnaire responses:** If the overseas voter indicates, in response to the questionnaire, SoS Form No. 12-L, "Questionnaire for Overseas Absent Voter," sent by the board of elections, that the overseas voter has no intention to return to Ohio, the overseas voter is ineligible to vote a "full" ballot and should be provided only a federal ballot.
- c. **Length of time overseas:** If the overseas voter has resided outside Ohio continuously for a period of four or more years (and is not living overseas due to employment with the federal or state government), then the overseas voter is ineligible to vote a "full" ballot and should be provided only a federal ballot.
- d. **Voting another state's ballot before leaving Ohio for overseas:** If an overseas voter has voted in a state other than Ohio subsequent to leaving Ohio, the person is considered to have lost his or her Ohio residency and should therefore not receive any ballot from Ohio. R.C. 3503.02(H).

3. Qualifying Ohio voting address for an overseas voter, or eligibility to vote in Ohio as an overseas voter, cannot be determined

If an absentee ballot application received from or on behalf of an overseas voter is proper on its face, the board of elections must issue the appropriate ballot – "full" or federal – to the overseas voter at the address provided by the overseas voter.

If the board is unsure which ballot – "full" or federal – the overseas voter is eligible to vote, or if the board is uncertain that the person is eligible to vote as an overseas voter in Ohio, the board should promptly send (by a method such as by email if the applicant provided an email address) to the person the questionnaire, SoS Form No. 12-L, "Questionnaire for Overseas Absent Voter," and request a response before sending the overseas voter an absentee ballot.

However, if there is not sufficient time for the board to send the questionnaire and to receive a response to the questionnaire **before the deadline for an absentee ballot request** from an overseas voter, then the board should include the questionnaire, SoS Form No. 12-L, "Questionnaire for Overseas Absent Voter," with the absentee ballot, advising that the questionnaire must be completed and returned with the voted absentee ballot, and that failure to return the completed questionnaire may prevent the board from counting the ballot.

The board should note which absentee ballot (full or federal) was sent with the questionnaire. If the questionnaire is not returned, but a full ballot was returned by the overseas voter, the board should count in its tabulation of votes only those votes for federal offices.

Note: *NEVER* send a questionnaire to an absent uniformed services voter.

H. Transmitting Blank Ballot to Overseas Voters

A board of elections may transmit overseas absent voter's ballots (and questionnaire, if necessary) to the overseas voter one of three ways:

1. In person;
2. By first class U.S. Postal Service, or
3. By electronic means (i.e., fax or email), if requested by the voter.

The statutory procedures for transmitting blank ballots to overseas voters by U.S. Mail and electronic means are set forth in R.C. 3511.021(A)(2), 3511.05 and 3511.06.

In accordance with R.C. 3511.08, each board of elections shall keep a record of the name and address of each person to whom the board issues overseas absent voter's ballots, the kinds of ballots so issued, and the name and address of the person who applied for the ballots.

R.C. 3511.08 provides further that, after a board issues the requested overseas absent voter's ballots, the board shall not issue additional ballots of the same kind to the voter pursuant to a subsequent request *unless* (i) the subsequent request contains the statement that an earlier request had been sent to the board more than 30 days before the election and that the overseas absent voter's ballots requested had not been received by the voter by the 15th day before the election, and (ii) the board has not received an identification envelope purporting to contain marked overseas absent voter's ballots from the voter.

I. Return of Voted Overseas Absent Voter's Ballots

1. In person, by U.S. Postal Service or by other delivery service (e.g., UPS, FedEx)

Absentee ballots voted by overseas voters must be returned to the appropriate board of elections office in person, by U.S. Postal Service or by other delivery service (such as UPS or FedEx). Voted absentee ballots cannot be returned electronically (e.g., via fax, email or other form of electronic transmission). Moreover, Ohio law expressly provides that a board of elections shall not accept, process or count any ballot that is returned by electronic means. R.C 3511.021(A)(4).

2. Deadlines

To be included in the official canvass, otherwise valid overseas absent voter's ballots must be received by the board of elections that issued the ballots (i.e., the board of the county in which the overseas voter's qualifying voting residence is located) by the applicable deadline:

- **Returned in person from any source:**

Must be received at the board of elections office no later than 7:30 p.m. on Election Day.

- **Returned by delivery service other than the U.S. Postal Service:**

Must be received at the board of elections office no later than 7:30 p.m. on Election Day.

- **Returned via the U.S. Postal Service:**

Any return envelope containing an overseas absent voter's ballot that is delivered to the appropriate board of elections office no later than 7:30 p.m. on Election Day, regardless of whether the return envelope is postmarked.

A return envelope that indicates that the voter will be outside the United States on Election Day is not required to be postmarked in order for the overseas absent voter's ballot contained in it to be valid. An otherwise valid overseas absent voter's ballot that is received after the close of the polls on Election Day through the tenth day after the election, and is delivered in a return envelope that indicates that the voter will be outside the United States on election day, shall be counted in the manner provided in R.C. 3509.06(C) and (D). R.C. 3511.11(C).

3. Overseas Absent Voter's Ballots Not to be Counted

A board of elections shall not count an overseas absent voter's ballots for the reasons listed in R.C. 3511.11(E). The board shall preserve any uncounted ballots in their identification envelopes, unopened, until the time the ballots may be destroyed in accordance with R.C. 3505.31.

4. Sealing an ID Envelope Containing Marked Overseas Absent Voter's Ballot

Upon receiving a return envelope containing an overseas absent voter's ballot by the 10th day after the election, the director shall open the return envelope but shall not open the identification envelope contained therein.

- If, upon opening the return envelope, the director finds ballots in it that are not sealed in the identification envelope, the director – without looking at the markings on the ballots – and shall promptly place them in the identification envelope and seal it.
- If, upon opening the return envelope, the director finds that ballots are enclosed in the identification envelope, but that it is not properly sealed, the director – without looking at the markings on the ballots – shall promptly seal the identification envelope. R.C. 3511.11(A).

J. Processing Voted Absentee Ballots When SOS Form No. 12-L, "Questionnaire for Overseas Absent Voter," is Returned with Voted "Full" Ballot

1. If an overseas voter answers on the questionnaire (SoS Form No. 12-L) that he or she:
 - is a U.S. citizen,
 - is a resident of the Ohio county,
 - has lived continuously outside Ohio for a period of less than four years, and
 - intends to return to the qualifying Ohio voting residence,the vote(s) cast on the "full" ballot for federal, state, and local candidates and issue should be counted.
2. If the overseas voter indicates that he or she is a U.S. citizen and was a resident of the county before leaving the country but that the voter has lived outside Ohio for four years or more OR the voter does not intend to return to the county, the voter's ballot must be remade using the procedures listed in Directive 2008-69 (Remake of Optical Scan Ballots) and only the vote(s) cast for federal candidates should be transferred onto the remade ballot.
3. If the applicant does not return the completed questionnaire (SoS Form 12-L) but has returned the "full" ballot that was voted, the voter's ballot must be remade using the procedures listed in Directive 2008-69 (Remake of Optical Scan Ballots) and

only the vote(s) cast for federal candidates should be transferred onto the remade ballot.

4. If the overseas voter is not a U.S. citizen or has never been a resident of the county, the ballot **should not be counted**.

IV. Federal Write-in Absentee Ballot (FWAB) - General Election Only

A. Generally

Federal law provides for an official Federal Write-in Absentee Ballot (Standard Form 186 [Oct. 95] – the “FWAB”), which may be used by eligible uniformed services and overseas voters who timely requested, but have not yet received, a regular absentee ballot for a federal general election.

Am. Sub. H.B. No. 48 enacted a new section of law, R.C. 3511.14, which provides that “a board of elections shall accept and process federal write-in ballots for all elections as required under [UOCAVA].” Under UOCAVA, the FWAB is only required for federal general elections. Consequently, the FWAB may be used in Ohio only to vote for federal offices in a general election; it cannot be used to vote in a federal primary election or in any state or local election.

The FWAB is an actual ballot, not an application for an absentee ballot. Only properly registered voters residing outside the U.S. whose regular absentee ballot requests were received by the appropriate boards of elections at least 30 days before the election may use the FWAB.

Generally, there are two situations in which an eligible overseas voter will use an FWAB:

1. The voter will be unreachable during the regular absentee voting period.

Example: The board of elections receives in January an FPCA absentee ballot request from a voter who is a U.S. Navy submariner. The FPCA requests absentee ballots for all elections held in the voter’s precinct during that calendar year. However, the voter will be on submarine duty from mid-September to mid-December that year. Consequently, the voter will be incommunicado when the absentee ballots for the general election are ready. Before leaving for sea duty, the voter may use the FWAB to vote for federal offices to be elected at the general election only.

2. The voter has not yet received his regular absentee ballot and is concerned that the ballot may come too late to be voted and returned in time to be counted in the election.

Example: The board of elections receives the absentee ballot application of a U.S. citizen living abroad at least 30 days before the general election. Two weeks before the election, the voter still has not received an absentee ballot. This overseas voter is able to vote for federal offices using the FWAB.

If, after mailing the voted FWAB to the board of elections, the voter receives the regular absentee ballot, the voter still may vote and return the regular absentee ballot. If the board receives both the FWAB and the regular absentee ballot by the 10th day after the general election, the regular absentee ballot will be counted instead of the FWAB.

B. Processing a Voted Federal Write-in Absentee Ballot

Upon receiving an FWAB, the board of elections should examine its absentee lists as well as the FWAB return envelope. The FWAB is valid if the board determines that:

1. The voter is eligible to vote in that county,
2. The voter's application for a regular absentee ballot request was received at least 30 days *before* the general election,
3. The voter properly completed the "Voter's Declaration" on the *FWAB* return envelope,
4. The *FWAB* was mailed from outside the U.S. on or before Election Day,
5. The *FWAB* was received by the board on or before the 10th day *after* the federal general election, and
6. The board did not receive the voter's regular absentee ballot by the 10th day after the federal general election.

A valid FWAB is processed in the same manner as other absentee ballots. The voter's ballot must be remade using the procedures listed in Directive 2008-69 (Remake of Optical Scan Ballots) and the vote(s) cast for federal candidates should be transferred onto the remade ballot.

C. When a Federal Write-in Absentee Ballot Shall Not be Counted

A board of elections shall **not** count an FWAB in any of the following circumstances:

1. The FWAB is submitted from within the United States.
Note: "APO" and "FPO" addresses are deemed to be outside the United States.
2. The voter's application to have a regular absentee ballot mailed or, pursuant to R.C. 3511.02, faxed to the voter is received by the appropriate board of elections after the 30th day before the federal general election.
3. The voter's completed regular absentee ballot is received on or before the 10th day after the federal general election.
4. The FWAB is received after the 10th day after the federal general election.

Additionally, boards of elections sometimes receive FWABs from persons who are not registered to vote and/or have not applied for a regular absentee ballot. These FWABs cannot be counted, nor processed as applications for absentee ballots. However, a board that receives an FWAB under such circumstance should contact the person and explain how to use the FPCA to register to vote and/or to request absentee ballots.

Any board of elections having questions concerning this advisory may contact the elections attorney assigned to your county at 614-466-2585.

Sincerely,

Jennifer Brunner