



SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

May 20, 2014

TO ALL TOWN CLERKS:

- Re: 1. Federal Post Card Applications - Fact Sheet
2. Faxed Absentee Ballots Not Permitted Presently
3. Faxed Applications for Absentee Ballots (FPCA) (ED-3) (ED-70)
4. Use of Fax for Notice and Clarification

We have received inquiries concerning Federal Post Card Applications. Under a new federal law (the "MOVE Act"), when you receive a FPCA, you **must send** "an absentee **ballot** to the voter **for each** subsequent **election for Federal office** held in the State for that **single election year**. (Emphasis Added).

1. Federal Post Card Applications - Fact Sheet

Enclosed is a copy of "Fact Sheet Concerning Federal Post Card Application (FPCA) (ED-645h)". Please study it carefully.

2. Faxed or E-mailed Absentee Ballots Required by the MOVE Act

Pursuant to the Federal MOVE Act, blank absentee ballots are now permitted to be sent to military and overseas voters electronically. We will be providing you with greater detail on the procedures to be used and will also provide you with an electronic version of the ballot in the near future.

3. Faxed Applications for Absentee Ballots

(a) Faxed ED-3 - permitted

Under Conn. Gen. Stat. §9-140(a), a town clerk may fax or e-mail an ED-3 Application for Absentee Ballot. Also if a town clerk has a fax machine, an applicant may fax or e-mail a completed Application for Absentee Ballot to the town clerk. If so, the town clerk issues the ballot as soon as it is available; however, if the ED-3 containing the original signature of the applicant is not received by the town clerk either separately or with the absentee ballot by the close of the polls on the day of the election, primary or referendum, the absentee ballot shall not be counted. This warning is contained on the ED-3 form. The Procedure Manual for Counting Absentee Ballots describes the procedure to be used to count absentee ballots which may have ED-3's with original signatures sealed inside the serially-numbered envelope.

(b) Faxed or E-mailed FPCA from Electors - permitted

See "B.1." on Page 2 of the enclosed "Fact Sheet". Under Conn. Gen. Stat. §9-153d, you may use ED-12 to direct an absentee ballot to any elector or applicant for admission as an elector who lives overseas or who is a member of the armed forces or spouse or dependent of a member of the armed forces living where such member is stationed; therefore, if you receive a faxed or e-mailed FPCA from such persons who are electors, you should fill out an ED-12 and issue an absentee ballot to them. Then no original FPCA need be received.

(c) Faxed or E-mailed FPCA from Non-Electors Temporarily Away - permitted

See "B.2." on Page 2 of the enclosed "Fact Sheet". If you receive a faxed or e-mailed FPCA from someone who is not an elector, then you should:

- (1) fill out an ED-12 directing an absentee ballot to an "Applicant for Admission as an Elector", for your records, and issue the ballot; and
- (2) mail (and fax/e-mail) a Note to the FPCA applicant which says substantially the following:

"A Connecticut absentee ballot has been issued to you. Vote it and mail it back to this town clerk to be received by 8:00 p.m. of November 4, 2014. To ensure that your ballot will be counted, you must also properly complete a FPCA, including (a) the street address where you lived in this Connecticut town, and (b) your original signature, and mail the original FPCA so that it is received by this town clerk by 5:00 p.m. of November 3, 2014 at the following address: _____."

If the Connecticut street address is missing and if you need the Connecticut street address to ascertain which absentee ballot to mail - e.g., which assembly district - call the family of the applicant or obtain the street address by using the Federal Voting Assistance Ombudsman service at 1-(800)-438-VOTE, especially if you have the social security number of the applicant.

Rule: The original signed FPCA must be received by 5:00 p.m. on November 3, 2014 in order to register as an elector for the election.

(d) Faxed and E-mailed FPCA/ED-70 from Non-Electors Permanently Overseas - permitted

See "B.3." on Page 2 of the enclosed "Fact Sheet". If you receive a faxed or e-mailed FPCA from a person permanently overseas (who checked Box 6(e), Box 8(d) [on the older versions of the FPCA] or (Box 1(c), or last two selections of Box 1 on newer versions), or a faxed or e-mailed ED-70 Application for Overseas Ballot, you should:

- (1) mail/e-mail an overseas ballot as soon as it is available; and
- (2) notify the applicant separately that under Conn. Gen. Stat. §9-140(a), if the original FPCA or ED-70 is not returned to you separately or with the overseas ballot by the close of the polls on election or primary day, the ballot will not be counted. (The provisions of §9-140 and §9-158m are more liberal than the provisions of §9-153d(b).)

The Procedure Manual for Counting Absentee Ballots, describes the procedure to be used to count overseas ballots which may have an original FPCA or ED-70 Application for Overseas Ballot sealed inside the serially-numbered envelope.

4. Use of Fax for Notice and Clarification

Connecticut law does not prohibit using fax or e-mail to communicate with an absentee ballot applicant to clarify the types of information you could ordinarily clarify by telephone and to help speed the clarification by mail of information which you ordinarily could not accept by telephone. The Federal Voting Assistance Program (FVAP) fax program may be used. The FVAP Electronic Transmission

Sheet indicates that its fax numbers are 1-800-368-8683 or 703-693-5527. In addition, we recommend that you call the Federal Voting Assistance Program Ombudsman Service at 1-(800)-438-VOTE when notice or clarification is needed - especially when you have the social security number of the applicant and do not have the fax number.

If you have any questions, please do not hesitate to call us at (860) 509-6100.

Sincerely,

Denise Merrill
Secretary of the State

By: _____
Theodore E. Bromley
Staff Attorney

Enclosures: ED-645h
(G:\massmail\2010\05-10\fax.doc)

FACT SHEET CONCERNING FEDERAL POSTCARD APPLICATION (FPCA)

A. Uses of Mailed Form

1. Used as an Application for an Absentee Ballot

The FPCA may be used to apply for an absentee ballot. The categories of people eligible to use it as an application for absentee ballot are listed in §§9-153a (1) through (5) of the General Statutes. All of the people in §§9-153a (1) through (5) are registered electors, i.e., persons currently on your registry list. They may apply for a full ballot on the FPCA. They are as follows:

"(1) members of the armed forces, (2) the spouses and dependents of such members, (3) members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents, (4) civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Federal Classification Act of 1949, and whether or not paid from funds appropriated by the Congress, (5) citizens of the United States temporarily residing outside of the territorial limits of the several states of the United States and the District of Columbia. . . ."

2. Used as an Application for Admission as an Elector - Armed Forces and Citizens Temporarily Residing Outside U.S.

Members of the armed forces or merchant marine, members of religious or welfare groups attached to and serving with the armed forces, civilian employees of the U.S. government, and their spouses or dependents, and citizens temporarily residing outside the U.S. can apply for absentee admission and enrollment on the FPCA (§9-26). (They also have the option to use Form ED-20 provided for in §9-26 of the Connecticut General Statutes or a regular mail-in application under §9-23g.) The Town Clerk should file the FPCA for 60 days after the election or primary under §9-140(i) and §9-150b(h), and if it is an application for admission, the Town Clerk should immediately act on the voter application and then deliver it to the Registrars of Voters under §9-20(b) and §9-31. (Suggestion: when the FPCA is an application for Admission, the town clerk should immediately admit the voter, keep a copy, and forward the original FPCA to the registrars of voters.) Of course, all other law concerning absentee admission applies. Deadline: 5:00 p.m. on last weekday before election (reading §9-25 and §9-26 together).

3. Used as an Application for a Partial Ballot for Federal Offices - Citizens Permanently Overseas

Overseas citizens are defined in §9-158b(b). This section conforms to Federal law. An overseas citizen is a person who is not on your registry list and is permanently overseas. If, however, he was a bona fide resident of a Connecticut town immediately prior to going overseas (all areas not included in the "United States" as defined in §9-158a), he is entitled to vote for Federal offices - Presidential electors, U.S. Senator, Representative in Congress - on an Overseas Ballot. Under Connecticut law, Overseas Citizens are not registered, rather, they apply for an Overseas Ballot prior to each election or primary in which they are eligible to vote. The application form (Form ED-70) is provided for in §9-158d(b). Section 9-153a(6) also permits the Overseas Citizens to apply for an Overseas Ballot on the FPCA. They will be checking Box 6(e), 8(d) or Box 1(c) or the last two selections of Box 1 on newer versions of the FPCA.

B. Uses of Faxed/E-mailed Form

FAXED/E-mailed FPCA

1. Used as an Application for an Absentee Ballot

If you receive a faxed/e-mailed FPCA from a voter in your town who is a serviceman, spouse or dependent or temporarily living outside the U.S., you have a duty to fill out an ED-12 Direction by Registrar form and issue an absentee ballot as soon as it is available. Under §9-153d there is no requirement that you ever receive the original FPCA.

FAXED/E-mailed FPCA

2. Used as an Application for Admission as an Elector

Present law requires an application for admission as an elector and does not authorize an electronic application for admission. If you receive an faxed or e-mailed FPCA from a servicemen, spouse or dependent or a resident of your town temporarily living outside the U.S. who is not presently a registered elector in your town, you have a duty to fill out an ED-12 Direction by Registrar form and issue an absentee ballot as soon as it is available to this "Applicant for Admission as an Elector" under §9-153d. You should notify the applicant separately that under §9-25 and §9-26, if the original FPCA is not returned to you separately by 5:00 p.m. on the last weekday before the election, such ballot will not be counted. If the original FPCA is returned by 5:00 p.m. on the last weekday before the election, the applicant is immediately registered as an elector and his absentee ballot will be counted.

FAXED/E-mailed FPCA

3. Used as an Application for a Partial Ballot for Federal Offices by Citizens Permanently Overseas

If you receive a faxed or e-mailed FPCA from a person permanently overseas, you should issue an overseas ballot as soon as it is available and notify the applicant separately that under §9-140(a), if the original FPCA is not returned to you separately or with the overseas ballot by the close of the polls on election or primary day, such ballot will not be counted. (The provisions of §9-140 and §9-158m are more liberal than the provisions of §9-153d(b).)

C. Specific Use of FPCA

The FPCA was designed by the Department of Defense for use in all 50 states, and thus is not directly geared to Connecticut law as are our own forms. Therefore, you must look at it closely to be sure each citizen is receiving his maximum rights under Connecticut and federal law. We will review the card (a copy of which is attached) as to the various sections about which there could be confusion. These instructions apply to the new version of the FPCA (Rev. 2013). For instructions regarding an older version of the FPCA, please refer to our previous mailings to you. We have also tried to note revision changes where possible.

Heading: This is a request for an absentee ballot for all elections in which the applicant is eligible to vote. Consequently, in subsequent elections and primaries you should fill out an ED-12 (Direction by Registrar) form until such time as you are made aware of a change of address through a new application. (§9-153d).

Under a new federal law when you receive a FPCA, you **must send** “an absentee **ballot** to the voter **for each** subsequent **election for Federal office** held in the State during **that year.**” (emphasis added)

1. A voter must check one of the boxes. Selecting 1 "I am a US citizen residing outside the United States, and my return is not certain" or "I am a US citizen and have never resided in the United States" means a request for overseas ballot if the individual is not currently on your official registry list. If they are on your registry list send a full ballot. If the citizen sending the card is an absentee admission candidate (he or she will have checked Box 1 first three choices on new form (a or b on older forms) and not be currently on your list) and the street address given should be the bona fide residence in the town in which admission is requested.
2. The applicant may permanently enroll by filling in the appropriate portion of this section. The Registrars should place the applicant's name, once he is approved, on the enrollment list of the party chosen. He then has full party status.

If an Overseas Citizen is applying to vote in a primary, he will indicate which party's ballot he desires in this box. Remember, an Overseas Citizen is not registering, so he may indicate a different party in a subsequent primary.

If the person completing the FPCA is already registered and unaffiliated, he may use this section to affiliate, effective immediately. If the person completing the FPCA is already registered and already enrolled in a political party, he may use this section to transfer his party enrollment to another political party, but he will have rights in no party for three months from the date of filing his FPCA.

3. Legal name, self explanatory.

(D, H, I, J) are not required (older forms)

4. Driver's License or Social Security Number, Date of Birth, Sex are required. Race is not required in Connecticut.

- 5,6 If the FPCA is received before printed absentee ballots are available, as soon as a complete list of candidates is available, issue a blank absentee ballot and such list of candidates. (§9-153f)

(C or 5,6) With the passage of the MOVE Act, the blank ballot can now be issued electronically.

(A, B, D, E, or 7) If the citizen sending the card is an Overseas Citizen, this address should be his residence immediately prior to his departure from the United States.

8. The voter can supply you with a mailing address.

9. If a member of the armed forces, merchant marine or spouse or dependent remarks that it is a military contingency, and the FPCA is received before printed absentee ballots are available before a regular election, issue a blank absentee ballot beginning 90 days before the regular election and send a complete list of candidates as soon as such list is available. (§9-153e)

Connecticut law no longer requires the oath to be witnessed for any reason.

Additional Note: If a person checks one of the boxes in section 1, is not on the registry list, but is a bona fide resident of your town, you may immediately register him in absentia. If the FPCA is received before printed absentee ballots are available, as soon as a complete list of candidates is available, issue a blank absentee ballot and list of candidates. (§9-153f)