

History: At first, Illinois responded to our e-mails by simply sending us their voter guide (see excerpts and full guide below). We called the Illinois SOS office who redirected us to the Illinois Board of Elections. We spoke to Sheryl Hobson, whose phone number is- 217-782-4141. She said, "you may NOT vote in state elections if you mark your FPCA return uncertain, but you CAN vote in state elections if you temporarily live abroad." She also said, " you may vote in state elections if you never resided, as long as you are still dependent on your parents, who live overseas."

Wanting to receive something in writing we emailed several more times and finally received responses. However, we believe one of the responses does not follow the law and advocacy work may be needed. Please see all email responses below.

----- Forwarded message -----

From: **Davis, Brent** <BDavis@elections.il.gov>
Date: Wed, May 9, 2018 at 11:27 PM
Subject: RE: Overseas Voter Information
To: heather ventresco <hventresco@gmail.com>

Hi Heather,

Sorry for not getting back to you yesterday, I had to be out of the office unexpectedly yesterday.

1. Can an overseas voter vote in state elections if they mark their FPCA "intend to return"?

If they are otherwise qualified to vote and still maintain an Illinois residence in the county they are applying from, they will be able to vote a full ballot which includes state races.

2. Can an overseas voter vote in state elections if they mark their FPCA "return uncertain"?

This category means they no longer maintain an Illinois residence, and this would qualify them for a Federal ballot only, and they would not be eligible to vote for state or local offices.

3. Can a citizen who has never resided in the US (such as a child of military or diplomats) vote in state elections?

A citizen who is a dependent of a member of the United States Service, US Government employees, etc., who has not ever resided in the US is eligible to vote. If the US citizen, who has never resided in the US, is no longer a dependent of the service member, the statute does not give express eligibility for them to vote. Common practice, however, has allowed them to continue to vote from the jurisdiction where their parent was eligible to vote.

Hopefully this helps, sometimes the different situations can be a little confusing depending on the citizen's circumstances. Please feel free to follow up with me if you have any additional questions.

Brent

Brent Davis

Director, Division of Election Operations

Illinois State Board of Elections

[2329 S MacArthur Blvd](#)

[Springfield, IL 62704](#)

217.558.1664

Hi Tricia,

I did send a follow up email to Heather Ventresco a bit ago, so you may want to touch base with her. I provided a little more detail than a simple yes or no to her questions, but I will try to simplify it in your questions below.

1. If a U.S. citizen is residing abroad and they intend to return, are they allowed to vote in state elections?

YES

2. If a U.S. citizen is residing abroad and their return is uncertain, are they allowed to vote in state elections?

NO

3. If a U.S. citizen has never resided in the United States, are they eligible to vote in state elections?

NO

4. If a US citizen has never resided in the United States, are they eligible to vote in federal elections?

YES – but this answer is more complicated. As dependents of US service members or government employees, they can. If they are no longer dependents, the answer is a bit murky. State law does not give them express permission to vote, but common practice does allow them to continue voting. Since the statute is silent on this particular category, I don't expect that you will find it in any of our guides.

Hopefully this helps, let me know if you have any additional questions.

Brent

Brent Davis
Director, Division of Election Operations
Illinois State Board of Elections
2329 S MacArthur Blvd
Springfield, IL 62704
217.558.1664

From: Cray, Cris [mailto:CCray@elections.il.gov]
Sent: Tuesday, December 5, 2017 10:59 PM
To: 'taugham2@gmail.com' <taugham2@gmail.com>
Cc: 'herro048@umn.edu' <herro048@umn.edu>
Subject: RE: Overseas Voting

Ms. Hamilton:

Thank you so much for your webmaster of November 29th.

Attached please find our recently updated *Military and Overseas Guidelines Booklet*. I think you will find it very useful for your volunteer work. Please feel free to distribute it to the Illinois citizens that you encounter with your organization. Please also refer them to our website www.elections.il.gov for an additional information they may need.

We try to make things very user friendly for our Military and Overseas citizens and we encourage all UOCAVA citizens to use our MOVE site to register and request absentee ballots.

If I can provide any additional information, please do not hesitate to contact me.

Thank you,

Cristina Cray

Director of Legislation

Illinois State Board of Elections

217.782.1577

PLEASE NOTE: The guide Illinois sent us states that, "Illinois law allows children born to military members, who have reached the age of 18 but have never resided in Illinois, to be eligible to vote in Illinois (pg. 7). Here there is no mention of state vs. federal elections.

The guide goes on to say,

"In a Federal election, voters in this section are entitled to receive a ballot for Federal offices only."

Illinois law requires that uniformed and overseas voters must have had a previous address in Illinois and not be registered to vote in any other state. Illinois law also allows uniformed and overseas voters to register to vote and to apply for a vote by mail ballot at the same time. Spouses and dependents of uniformed voters who have never resided in Illinois are also qualified to vote in Illinois elections. Spouses and dependents of "Non-Resident Civilian Citizens", who have never resided in Illinois, are not qualified to vote in Illinois Elections [10 ILCS 5/20-2, 20-2.1, 20-2.2, 20-2.3 and 20-3] (pg. 10)"

So according to the guide if you never resided in Illinois and your parent has marked their FPCA return uncertain you cannot vote in Illinois. However, if you never resided in Illinois but your parent is in the military you may vote in Federal offices only. There is no mention of someone who has never resided in the USA and whose parents are considered to be temporarily living abroad with the intent to return.

More research needs to be done to answer our "never resided question" accurately.

According to the guide:

FAMILIES OF MILITARY VOTERS

Qualifications to vote:

- Be a United States citizen
- Be at least 18 years old*
- Not be registered to vote anywhere else.

*A person who is 17 years old on the date of a caucus, general primary election, or consolidated primary election and who is otherwise qualified to vote is qualified to vote at that caucus, general primary, or consolidated primary, including voting a vote by mail, grace period, or early voting ballot with respect to that general primary or consolidated primary, if that person will be 18 years old on the date of the

immediately following general election or consolidated election for which candidates are nominated at that primary. (10 ILCS 5/3-6) (pg. 7 of guide)

Illinois law allows for military personnel to register to vote and to apply for a vote by mail ballot at the same time. A request for a vote by mail ballot shall entitle the applicant to a vote by mail ballot for every election in that one calendar year. (10 ILCS 5/20-2) (pg. 7 of guide)

A family member of a military voter is a spouse or dependent who, by reason of active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified and registered to vote. (pg. 7 of guide)

OVERSEAS VOTERS QUALIFICATIONS – TWO CATEGORIES

“Citizens of the United States temporarily residing outside the territorial limits of the United States” means civilian citizens of the United States and their spouses and dependents of voting age when residing with or accompanying them, who maintain a precinct residence in a county in this State and who intend to return to that residence. (10 ILCS 5/20-1) (pg. 9 of guide)

How Do I Register to Vote and Request a Vote by Mail Ballot?

- You should send an FPCA (or a similar application furnished by your local election authority) to your local election authority every calendar year and whenever you change your mailing address. (10 ILCS 5/20-2)
- ***If you are an unregistered Illinois resident temporarily residing outside the U.S.**, the local election authority must receive your FPCA (or similar form) not later than 30 days before the election. **You will receive a ballot for local, state and Federal offices.** However, if your FPCA (or similar form) arrives less than 30 days, but not later than 10 days before the election, registration is waived and the local election official will send you a ballot for *Federal offices only*. (10 ILCS 5/20-2.1) (pg. 9 of guide)
- ****If you are a registered Illinois resident temporarily residing outside the U.S.**, the local election authority must receive your FPCA (or similar form) not later than 10 days before the election. **You will receive a ballot for local, state and Federal offices.** (10 ILCS 5/20-2.1) (pg. 9 of guide)

“Non-Resident Civilian Citizens” means civilian citizens of the United States (a) who reside outside the territorial limits of the United States, (b) who had maintained a precinct residence in a county in this State immediately prior to their departure from the United States, (c) who do not maintain a residence and are not registered to vote in any other State, and (d) **whose intent to return to this State may be uncertain.** (10 ILCS 5/20-1) (pg.10 of guide)

How Do I Register to Vote and Request a Vote by Mail Ballot?

- You should send an FPCA (or a similar application furnished by your local election authority) to your local election authority every calendar year and whenever you change your mailing address. (10 ILCS 5/20-2)
- If you are an overseas non-resident civilian citizen, otherwise qualified to vote in Illinois, you may make application to the election authority having jurisdiction over your precinct of former residence for a vote by mail ballot containing **the Federal offices only**. The application must be received not less than 10 days before a Federal Election. (10 ILCS 5/20-2.2) (pg. 10 of guide)

Both the e-mailed voter guide and the information we gathered over the phone state that:

1. You can vote in state elections if you are temporarily living abroad with the intention of returning and
2. You cannot vote in state elections if your return is uncertain.

From: Tricia Augustine <taugham1@gmail.com>
Sent: Tuesday, May 8, 2018 2:07 AM
To: Davis, Brent <BDavis@elections.il.gov>
Cc: 'heather ventresco' <hventresco@gmail.com>
Subject: overseas voting

Dear Mr. Davis,

I belong to a group of volunteers who are trying to determine the accuracy of websites providing information about overseas voting. We have found inaccuracies in the past and we are trying to help rectify those errors.

We emailed you questions, regarding voter eligibility for the overseas voter in STATE elections. In response, we were sent your voter guide, which we read. However, we need clarification and confirmation that we are interpreting the information accurately. We did call your office and spoke to Sheryl Hobson. However, Sheryl gave us information that we think contradicts the voter guide. It is certainly possible that we are confused and that is why we are seeking clarification.

We have four questions, which most other states were able to answer with a simple “yes” or “no.” That is what we are hoping Illinois can do as well. Below please find the questions.

1. If a U.S. citizen is residing abroad and they intend to return, are they allowed to vote in state elections?
2. If a U.S. citizen is residing abroad and their return is uncertain, are they allowed to vote in state elections?
3. If a U.S. citizen has never resided in the United States, are they eligible to vote in state elections?
4. If a US citizen has never resided in the United States, are they eligible to vote in federal elections?

Thank you in advance for helping overseas citizens execute one of their most important rights!

Sincerely,

Tricia Hamilton

From: Tricia Augustine [<mailto:taugham2@gmail.com>]
Sent: Wednesday, November 29, 2017 10:57 PM
To: Webmaster <Webmaster@elections.il.gov>
Subject: Overseas Voting

Dear Sir/Madam,

I'm a volunteer helping US citizens, living overseas, vote in US elections. We want to make sure that votefromabroad.org provides accurate and up-to-date voting information. Would you please answer the following questions.

1. If a U.S. citizen is residing abroad and they intend to return, are they allowed to vote in state elections?
2. If a U.S. citizen is residing abroad and their return is uncertain, are they allowed to vote in state elections?
3. If a U.S. citizen has never resided in the United States, are they eligible to vote in state elections?
4. If a US citizen has never resided in the United States, are they eligible to vote in federal elections?

Thank you for taking the time to answer our questions. We appreciate you helping Americans execute one of their most important rights!

Take Care,

Tricia Hamilton