



H Burch <heidilburch@gmail.com>

Fwd: Question about deadline for overseas voters to submit FPCA forms

1 message

H Burch <heidilburch@gmail.com>

Mon, Apr 9, 2018 at 11:52 AM

To: Heidi Burch <HeidiB@democratsabroad.org>

Hi all,

Ok, I think I've got the answer for submitting FPCAs for NY voters. You can read the email exchange below, but my takeaway is that it's very similar to NJ and CT:

- NY voters can submit the FPCA via email or fax to meet the deadlines to request and/or request a ballot
- But voters must also mail in the FPCA--their ballot will only be counted if NY has the FPCA with original signature
- If NY doesn't have the original signature FPCA on hand when they send out the ballot, they'll include a blank FPCA form with the ballot. Voters will be instructed to fill it out and return it with their voted ballot (ballots must be returned by Mail).
- Both VFA and FVAP are correct in saying Email or Fax are ok, but must also Mail in. We can disregard the chart on the NY website indicating that deadline is for receipt by mail only (<https://www.elections.ny.gov/VotingMilitaryFed.html>).

So, we should tell voters:

- Submit FPCA via email or fax AND also mail it ASAP
- If they have concerns about time for mail to get to the US, Mail in the FWAB as early as possible. [Note: FWAB can't be used to register/request, must have already sent in the FPCA and non-military overseas may only use the FWAB for Federal elections: www.fvap.gov/guide/chapter2/new-york]
- If they get a ballot with blank FPCA, they can ask their LEO if their original signature FPCA has been received or if they need to submit the new FPCA with their ballot. If the LEO says to submit a new signed FPCA with their ballot, they'll have to be careful that they put the signed FPCA in the outer envelope and NOT in the inner envelope with their voted ballot.

Let me know if you think I'm interpreting this incorrectly.

Best, Heidi

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

From: [ele.sm.info](mailto:info@elections.ny.gov) <info@elections.ny.gov>

Date: Tue, Apr 3, 2018 at 5:09 PM

Subject: RE: Question about deadline for overseas voters to submit FPCA forms

To: H Burch <heidilburch@gmail.com>

Heidi,

If you're going to encourage the use of email and fax, I urge you to continuously emphasize the need to still mail the original as soon as possible

That being said, here are the answers to your questions.

- If an overseas voter sends in their FPCA to **register to vote by email or fax by June 1**, are they timely--even if the FPCA with original signature hasn't arrived in NY yet? Yes and No. Anything received by fax or email will be

considered an incomplete request for a ballot. An absentee ballot will be sent to the voter with another application enclosed in the ballot. The voter will have to again complete that second application and enclose it with the absentee ballot. The application must be included in the outside envelope, NOT in the inside envelope with the ballot. We cannot open the inner envelope with the ballot without seeing the completed signed application so if it is enclosed with the inner envelope, it won't be opened and counted. Also, anything enclosed in the inner envelope with the ballot would be considered extrinsic material and invalidate the ballot, so even if we received the first FPCA application separately, the ballot would be invalid. It's a minefield the voters can avoid by getting the FPCA to New York in a timely fashion.

- If an overseas voter is already registered to vote in NY, will their FPCA **to request a ballot be timely if they send it in by email or fax by June 19?** See answer above.
- Given that the voted ballot must be received by the local board of elections by July 3rd, **is July 3rd the deadline for receipt of the FPCA with original signature** (typically mailed)? I would be disinclined to answer this question in this fashion. It seems like a suggestion that July 3rd is the "real" deadline and the earlier ones are somehow fake. Voters will misinterpret this and it could endanger their ballots.

If you have any additional questions, please let me know.

Sincerely yours,

J. Conklin

Director of Public Information

Records Access Officer

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From: H Burch <heidilburch@gmail.com>
Sent: Monday, April 2, 2018 8:26 PM
To: ele.sm.info <info@elections.ny.gov>
Subject: Re: Question about deadline for overseas voters to submit FPCA forms

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Thank you for the quick response. I'm sorry for the confusion, but the chart on your website seems to indicate the deadline is to **mail** in the FPCA and the email/fax option is not operative: I've copied the chart here (<https://www.elections.ny.gov/VotingMilitaryFed.html>).

DEADLINES FOR OVERSEAS (FEDERAL) VOTERS FOR 2018 FEDERAL PRIMARY ELECTION (JUNE 26)

Date	Voter Registration
June 1	Last day for a board of elections to receive registration application for Special Federal voter to be eligible to vote in primary. Sec. 11-202(1)(a).
Date	Requesting Your Ballot
June 1	Last day for a board of elections to receive Special Federal application for absentee ballot by mail if NOT previously registered. Sec. 11-202(1)(a).
June 19	Last day for a board of elections to receive Special Federal application for absentee ballot by mail if previous registered.
Date	Returning Your Ballot
June 25	Last day to postmark Special Federal return ballot. Must be received by the local board of elections no later than July 3rd. Sec 11-212.

Based on the deadlines on the chart for the NY Primary Election:

- If an overseas voter sends in their FPCA to **register to vote by email or fax by June 1**, are they timely-- even if the FPCA with original signature hasn't arrived in NY yet?
- If an overseas voter is already registered to vote in NY, will their FPCA **to request a ballot be timely if they send it in by email or fax by June 19?**
- Given that the voted ballot must be received by the local board of elections by July 3rd, **is July 3rd the deadline for receipt of the FPCA with original signature** (typically mailed)?

Thank you!
 Heidi

On Mon, Apr 2, 2018 at 2:42 PM, ele.sm.info <info@elections.ny.gov> wrote:

The faxed/email option enables the voter to receive a ballot before the deadline passes before a paper version can be received by the board of elections. A form with an original signature must be received by the time the ballot is to be counted. The faxed/emailed version of the application enables the voter to receive a ballot in time, but it must be returned with a signed application or the original application must be received at the county board of elections in New York by the time the ballot is to be counted.

If you have additional questions, please let us know.

Sincerely yours,

Public Information Office

New York State Board of Elections

40 North Pearl Street, 5th Floor

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From: H Burch <heidilburch@gmail.com>
Sent: Tuesday, March 27, 2018 2:21 PM
To: ele.sm.info <info@elections.ny.gov>
Subject: Question about deadline for overseas voters to submit FPCA forms

Hi,

I'm a volunteer with VoteFromAbroad and I had a questions about the deadline for overseas voters (non-military) to submit their forms (the Federal Post Card Application) to register to vote and/or request their ballot.

I see on your website that the deadline for NY to receive the FPCA in time for the upcoming NY Primary is June 1.
<https://www.elections.ny.gov/VotingMilitaryFed.html>

The Federal website for overseas voters indicates that the FPCA may be submitted by email or fax, but overseas voters must also mail in the form. <https://www.fvap.gov/guide/chapter2/new-york> (under "How and where to submit your FPCA")

My questions are:

5/2/2018

Gmail - Fwd: Question about deadline for overseas voters to submit FPCA forms

- Is the June 1 deadline for the **emailed or faxed** FPCA to reach NY? That is, the mailed FPCA must get to NY, but is not required to meet the deadline?
- If the above answer is "no" and the June 1 deadline is for the **mailed** FPCA to reach NY, then what does emailing/faxing the FPCA provide for overseas voters?

Thank you!

Heidi Burch

VFA Volunteer