



FPCA Block 1 Summary of Discussions

May 3-4, 2012

In attendance

Representatives from the below organizations participated in the conference calls:

American Citizens Abroad
Association of Americans Resident Overseas
Brennan Center of Justice
Colorado Secretary of State
Democrats Abroad
Department of State
The Federation of American Women's Clubs Overseas
Federal Voting Assistance Program
National Association of Secretaries of State
NYC Board of Elections
Overseas Vote Foundation
Paris
Republicans Abroad
Reserve Officers Association
Texas Secretary of State
Union of Overseas Voters
US Citizens Abroad
Virginia Board of Elections
Virginia Board of Elections
Wisconsin Secretary of State

Read-ahead

http://www.fvap.gov/resources/media/fpca_handout.pdf

Background

In 2011, FVAP redesigned forms to comply with MOVE Act and conducted usability and accessibility testing. Usability testing included 9 LEOs, 9 VAOs, and 28 overseas citizens. Accessibility testing included 612 voters (overseas and Wounded Warriors), 265 LEOs and 432 VAOs. The FVAP open comment period received 229 comments from overseas citizens, military voters, LEOs, public interest groups, and State Department employees.

There is concern over the options for overseas citizens. "I am a US Citizen, residing outside the US, and I intend to return" "I am a US Citizen, residing outside the US, and I do not intend to return"

State law references the voters intend to return not the length of time they are overseas. Intent is not a commitment but a plan. New forms are likely not going to be an option for the November 2012 election and FVAP is willing to work with overseas citizen groups to find ways to alleviate issue.

Overseas citizen groups are concerned about tax implications and renouncing citizenship. More federal only ballots (tax exempt) have been requested so far in 2012 than in 2010. The Department of State has acknowledged that it is not possible to renounce citizenship based on a FPCA submission alone.

The 2005 FPCA is still valid.

Talking points from DoS

Because there would be no clear language to add that would apply to all States, State specific instruction needs to be added. Explain how to select based on your circumstances. Increase instructions in guide and R3 (online wizard). Ask the question in which the determination would be made. Do not ask a question that would not help the State, the



State should not speak for a voter. Don't bait and switch voters. If voters are not comfortable with the FPCA, they can register to vote using their State forms. The classification block, even with the previous language, has always been the biggest problem and most confusing aspect of the form.

All voting forms can be shipped back to US via the diplomatic pouch.

Talking points from Overseas Groups

It would be better to add information if the voter does not know their intent to return. Clarify that intent to return means return to their voting jurisdiction not just US. There is no place to add intent to return to different US locations. Add clear language on what ballot you would receive. Federal or State. Add guidance in Block 1 to select that you do not intend to return for citizens who have never resided in the US.

OVF believes FVAP is trying to fix a problem that never existed. New language in Block 1 is fundamentally wrong and people do want to assign intent. FVAP should release comments and Usability/Accessibility studies. The new language may have multiple effects: tax implications, not voting, grounds on a limit of how long overseas citizens can vote. UOCAVA is Federal voting and if a voter wants to vote the State ballot, they should go directly to the State. "FVAP should not assist voters in local and State elections." FVAP should use only the 2005 form or OVF will start a campaign against FVAP website.

FAWCO is afraid that not all voters read the instructions and will have an emotional connection about how powerful the word intent is. More information on the UMOVA States needs to be shared with overseas citizen groups.

Recommendations include: use the 2005 form and revert to old form wizard for overseas citizens. Send overseas voters to OVF website to find old form. Add language to wizard that if you are not certain of your return, to select that you do not intend to return. In the future, add a block for I don't know.

Talking points from DoD/FVAP

Initially:

- Update Guide and R3 to include additional guidance in Block 1 and Block 9. Include more explicit general language providing more information about the two overseas citizens boxes in Block 1, specifically raising tax liability issues, that will be added to: A) the Block 1 instructions for all States in the VAG (online, print, errata) and B) The "Voter Classification" screen of the R3 wizard on fvap.gov.

Midterm, but still before the election:

- Add more granular State-specific language in Block 1. This will be a rollout process based on the number of estimated overseas voters from specific States.

Long term:

- Examine 2013 revision of forms for 2014 election if necessary. This form would leave ambiguity for those citizens who do not know. FVAP will also add more guidance for children who never resided and recommend these citizens use the 5th box in Block 1.
- Engage IRS and State tax authorities on immunity of FPCA from tax determination.

Next Meeting

Meeting will be held Thursday, May 10 at 2 p.m. EST

Call-in information:

Dial +1 (619) 550-0002

Access Code: 116-152-670

FVAP is drafting proposed language for clarifying Block 1. FVAP will provide the language and a screenshot of the updated FPCA wizard in a read-ahead prior to Thursday's call.