

CHAPTER 8

FPCA

SECTION A: GENERAL RULES FOR SUBMITTING FPCA

1. Eligibility to vote early by mail by FPCA
 - a. Must be a qualified voter of this state or if not a registered voter, would be qualified if registered.
 - b. The person is:
 - (1) a member of the U.S. Armed Forces, or the spouse or dependent of a member;
 - (2) a member of the U.S. Merchant Marines, or the spouse of or dependent of a member; or
 - (3) a U.S. citizen domiciled in Texas but temporarily living outside the territorial limits of the United States and the District of Columbia. [Sec. 101.001]
2. Voting is conducted and results processed as provided for early voting by mail. [Sec. 101.002]
3. Form and Contents of Application [Sec. 101.003]
 - a. An application for a ballot must:
 - (1) be submitted on an official federal postcard application form; and
 - (2) include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested. [Sec. 101.003]
4. Submitting the Application [Sec. 101.004]
 - a. FPCA must be submitted by mail to the early voting clerk for the election.
 - b. May be submitted anytime during the calendar year. Voter may submit federal postcard application not earlier than 60 days before an election to be held in January or February of the new calendar year.
 - (1) If FPCA is received on December 1, 1995, and applicant has checked "all as permitted," and the political subdivision is conducting an election on the January uniform election day (3rd Saturday in January), the early voting clerk will honor the FPCA for the January election, even though it was not submitted during the calendar year.
 - (2) To receive ballots for other elections conducted by the political subdivision during the 1996 calendar year, the voter must apply during 1996.

- c. An FPCA mailed to the wrong early voting clerk must be forwarded to the correct early voting clerk not later than the day after it is received.
 - d. FPCA applicants who wish to have their ballots sent to an address inside their county of residence for forwarding outside the county should indicate under "Remarks" on the FPCA that the ballot will be forwarded to an address outside the United States. If there is no indication in "Remarks" section, check for other indications, such as a return address that is outside the country. [Sec. 101.007(c)]
5. Applying for more than one election with same application [Sec. 101.005]
- a. FPCA is good for all elections in the jurisdiction, if applicant is otherwise qualified.
 - b. An application must be treated as if it requests a ballot for a runoff election that results from the election for which a ballot is requested.
 - c. An application requesting a ballot for more than one election must be preserved until the expiration of the period for preserving the official election returns of the last election for which the application is effective.
6. Method of Providing Ballot [Sec. 101.007]
- a. The ballot must be air mailed to the voter free of U.S. Postage in an envelope labeled "Official Election Balloting Material via Airmail."
 - b. The address to which the balloting materials are sent must be:
 - (1) an address outside the county of the voter's residence; or
 - (2) an address in the United States for forwarding or delivering mail to the voter at a location outside the United States. (This can include an address within the county, but clerk must have enough information to know that ballot will be forwarded outside the United States.)
7. Return of Voted Ballot [Sec. 101.008] Voted ballot may be returned by mail, common or contract carrier, or courier, and must be received by 7 p.m. on election day.
8. Noting FPCA Registration on Poll List [Sec. 101.009]
- For each FPCA registrant accepted to vote, a notation must be made beside the voter's name on the early voting poll list indicating the voter is an FPCA registrant
9. Noting FPCA Registration on Early Voting Roster [Sec. 101.010] The entry on the early voting roster pertaining to a voter who is an FPCA registrant, must include a notation indicating that the voter is an FPCA registrant. NOTE: While an FPCA may be used temporarily to register an applicant for the elections for which the applicant is requesting a ballot, the FPCA may not be used as an application for permanent registration.

SECTION B: QUESTIONS REGARDING FPCA's

1. If I receive an application in early December, and the county has not called an election to be held within the next 60 days, do I honor the FPCA only for the remainder of voting year?

Honor the FPCA for the remainder of the year in which it was received, and hold it for 60 days after the day it was received, to be sure no other election is ordered. Notify the applicant that he or she must submit a new application for the new calendar year. [Sec. 101.004]

2. If I, the County Clerk, receive an FPCA in December and the voter has indicated that he or she wishes to vote in city elections, do I forward the FPCA to the City Secretary?

Yes, unless you will serve as early voting clerk for that election. (NOTE: The election must be held on the 3rd Saturday in January for the FPCA to be honored, assuming it is a regular city election). [Sec. 101.004(d)]

3. If I contract to be the early voting clerk in this city election, what do I do with the FPCA after the election?

Give it to the City Secretary in case the city has any other elections in the calendar year or during the 60 days after it is received. We also recommend that you send the FPCA applicant a notice that he or she must submit another application to the county to be eligible to vote in county elections during the voting year.

4. What if the county is having an election on the same day and I, the County Clerk, am conducting early voting for both the county and the city, and I received an FPCA addressed to me and marked "all as permitted?"

Send the applicant ballots for both the county and the city elections and retain the FPCA for future county elections. The applicant must submit an FPCA to the City Secretary to receive ballots for future city elections

5. If I contract to conduct early voting for the city in a subsequent special election, do I send the FPCA applicant a city ballot?

No, unless the applicant has specifically requested ballots for city elections.

Exception - If county happens to be conducting an election on the same day, then applicant should be sent ballots for all elections in which he or she is qualified to vote

6. What is meant by wrong early voting clerk?

If the applicant has indicated a permanent residence address on the application that is not in your county, or he or she has requested a ballot for an election in which you are not the early voting clerk, he or she has submitted the application to the wrong early voting clerk.

7. If an FPCA applicant is a registered voter in my county, does he or she receive the same privileges as any other FPCA voter?

Yes. Although a registered voter, this voter is entitled to the special mail procedures granted to FPCA voters

8. If a person who is registered to vote in my county submits an FPCA that indicates a permanent resident address that is not in my county, should I forward the FPCA or reject it?

Forward the FPCA to the county clerk in the county indicated by the voter, and notify the voter registrar in your county of the situation, so the voter registrar can send a 60-day challenge notice to the voter.

9. If an FPCA applicant indicates an address to mail balloting materials to that is in your county and there is no indication that the ballot will be forwarded to an address outside of the United States, should I reject the application?

Yes. New law requires an indication that the ballot will be forwarded on an application in those circumstances. [Sec. 101.007(c)]

10. If the FPCA applicant shows a return address on the application that is outside the United States, should I still reject the application?

No, since the return address indicates that the ballot will be forwarded outside the country.

11. Can FPCA applicants return two carrier envelopes in another envelope if the two applicants are husband and wife?

Yes, whether they are registered voters registered at the same address, or FPCA registrants who register at the same address.

12. Can I fax balloting materials to an FPCA voter who is located overseas?

No. You can fax an application to the FPCA voter, and the FPCA voter can fax the application back, but you may not fax other balloting materials to any voter.

13. If I call one voter about a defective carrier envelope, do I have to call FPCA applicants who are similarly situated, if I receive defective carrier envelopes?

Yes