

**The statute addressed in this opinion has changed.  
Please consult current Florida law.**

**DE 076-02 - June 25, 1976**

**CHAPTER 97 AND CHAPTER 101,  
FLORIDA STATUTES - OVERSEAS  
CITIZENS VOTING RIGHTS ACT**

*To: Honorable Robin Krivanek, Supervisor of Elections, Room 107, Hillsborough County  
Courthouse, Tampa, Florida 33602*

*Prepared by: Division of Elections*

In response to your recent inquiries concerning implementation of the Overseas Citizens Voting Rights Act, Public Law 94-203, enacted by the ninety-fourth Congress, the Division of Elections would advise the following procedures.

Attached hereto is a standard form of Absentee Application for Voting under the provisions of the Overseas Citizens Voting Rights Act which appears to satisfy all requirements of law. Such Absentee Application for Voting should be processed in the manner in which absentee voting is permitted and processed under existing Florida laws.

The Overseas Citizens Voting Rights Act requires that Americans living abroad shall be entitled to vote in federal elections, i.e., for candidates for all federal offices, in the district and state in which they last resided irrespective of their intent or lack of intent to return thereto or whether they had acquired permanent residency in that district and state prior to departing for overseas.

In accepting the Absentee Application for Voting from such persons, supervisors should take care to insure as nearly as practicable that, prior to their departure from the United States, they were immediately domiciled in Florida in the district or precinct in which they now seek to vote; that they do not maintain domicile, nor are registered to vote, nor have made application to vote in any other state or Florida location or in any territory or possession of the United States; that they hold a valid United States passport or card of identity and registration issued under the authority of the Secretary of State of the United States; and that they would have been qualified to vote in Florida prior to their departure from the United States (except as to minimum voting age). Satisfaction of these criteria may be determined by their execution of a sworn registration application.

The Division of Elections advises that the supervisors maintain separate rolls for those qualifying to vote by absentee ballot under the Overseas Citizens Voting Rights Act as herein explained. As indicated on the attached form, such applicants shall be required to reapply for each successive federal election and thereby to make a showing of eligibility for entitlement to vote therein. Applicants shall have the option of indicating whether they wish to vote absentee in primaries and/or federal general elections.

I trust that the foregoing procedures will be of assistance to you in administering the provisions of the Overseas Citizens Voting Rights Act.