

Notice to Voters in the Military and Citizens Temporarily or Permanently Residing Outside the United States Who Use the Federal Post Card Application (FPCA) to Register and Vote by Absentee Ballot

Under the "Uniformed and Overseas Citizens Absentee Voting Act" ("UOCAVA"), each State must permit absent uniformed service voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary and runoff elections for Federal office. On January 15, 2009, the United States District Court for the Northern District of Illinois entered an order in a case brought by the Chicago Board of Election Commissioners (the "Board") and Cook County Clerk David Orr (*Chicago Board of Election Commissioners and David Orr v. Illinois State Board of Elections*, No. 09 CV 82) seeking, among other things, permission to use special procedures to permit voters eligible to vote absentee under UOCAVA for a March 3, 2009 Special Primary and a April 7, 2009 Special Election to fill a vacancy in the office of United States Representative in the Fifth Congressional District of Illinois. This notice is intended to inform those voters of the procedures that may be used, including those approved by the federal court, in applying for, marking and returning their absentee ballots for these elections.

APPLICANTS ON FILE

UOCAVA requires election authorities to keep completed Federal Post Card Applications (FPCA) on file as temporary registrations and absentee ballot requests through two federal general elections. Voters in the military and citizens temporarily or permanently residing outside the U.S. who submitted properly completed FPCA forms to the election authority **after** the November 7, 2006 General Election, and who live in the 5th Congressional District, will be sent absentee ballots for the **March 3, 2009 Special Primary** and the **April 7, 2009 Special Election**.

If you previously submitted an FPCA and have since returned to the 5th Congressional District and wish to vote in-person, you must cancel your FPCA and register at your current address. Temporary registrations created by the FPCA form are not valid registrations for voting in-person at an Early Voting location or at your polling place on Election Day. If you have any questions regarding absentee voting or your registration status, please contact your local election authority.

NEW APPLICANTS

If you wish to apply for an absentee ballot through this absentee voting program, please download the FPCA application form available on this website. All applicants can email or fax the completed and signed FPCA application to your local election authority. If you do not have access to a fax machine or the ability to scan documents, you can mail your completed and signed form.

MARCH 3, 2009 SPECIAL PRIMARY ELECTION

All applicants in the 5th Congressional District who wish to receive an absentee ballot for the Special Primary Election must choose and declare an affiliation with one of the three established political parties. The three established political parties are Democratic, Republican and Green.

Because the election authority will not have an official ballot printed and available for mailing at least 45 days prior to the election, it will send to persons who have applied for an absentee ballot using the FPCA form a Special Write-in Absentee Voter's Blank Ballot. On January 21, 2009 (41 days before the election), the Absentee Ballot Department will begin sending a Special Write-in Absentee Voter's Blank Ballot ("Special Absentee Ballot") to all eligible FPCA applicants who declared a political party. Each party's Special Absentee Ballot will contain the names of all candidates who filed for their party's nomination for the office of United States Representative in the 5th Congressional District. Special Absentee Ballots will be sent by email, fax or mail. In addition to the Special Absentee Ballot, the election authority will also mail an official ballot to you when they become available. You may cast your absentee ballot by using either the Special Absentee Ballot or the official ballot or you may mark and return both ballot forms; however, the election authority will count only one of such ballots, as explained below.

Voted ballots must be returned by mail, a licensed motor carrier or submitted to a US Embassy or Consulate for return to the US (regular US postage required). In addition, civilian/military overseas voters have the option of

returning their voted Special Absentee Ballot by fax. Upon receipt of the faxed ballot, the election authority will seal the ballot inside a ballot envelope and keep it secure until such time as it can be processed for counting. The voter will be required to complete, sign and return a Fax Ballot Authorization form with their faxed ballot. Ballots returned by fax must be received by 7:00 p.m. on Election Day, March 3, 2009, and the ballot must be accompanied by the completed Fax Ballot Authorization form.

The election authority will count all valid absentee ballots received by 7:00 p.m. on Election Day. Ballots that are returned by mail but not received by the election authority by 7:00 p.m. Election Day will be counted if they are postmarked on or before March 2, 2009 and received no later than 5 p.m. on March 9, 2009. Ballots returned by mail that do not have a postmark will be counted if the date on the Certification completed by the voter is on or before March 2, 2009 and they are received no later than 5 p.m. on March 9, 2009.

If only one ballot – whether the Special Absentee Ballot or the official ballot – is received by the election authority within the time allowed, the election authority will count that ballot. If the election authority receives both the Special Absentee Ballot and the official ballot before the absentee ballot counting commences, the Special Absentee Ballot will be voided and the official ballot will be counted. If a second ballot is received after the election authority has counted the first ballot, the second ballot will be voided, regardless of whether it is the Special Absentee Ballot or the official ballot. The central counting of absentee ballots will commence on Election Day after 7 p.m. and will conclude at 5 p.m. on March 9, 2009.

APRIL 7, 2009 SPECIAL ELECTION

All applicants in the 5th Congressional District, regardless of whether they participate in the Special Primary, will be sent an absentee ballot for this election.

Because the election authority will not have an official ballot printed and available for mailing at least 45 days prior to the election, it will send to persons who have applied for an absentee ballot using the FPCA form a Special Write-in Absentee Voter's Blank Ballot. On March 10, 2009 (28 days before the election), the Absentee Ballot Department will begin sending a Special Write-in Absentee Voter's Blank Ballot ("Special Absentee Ballot") to all eligible FPCA applicants. The Special Absentee Ballot will contain the names of all candidates who were nominated at the special primary or who filed as independent or new political party candidates for election to the office of United States Representative in the 5th Congressional District. Special Absentee Ballots will be sent by email, fax or mail. In addition to the Special Absentee Ballot, the election authority will also mail an official ballot to you when they become available. You may cast your absentee ballot by using either the Special Absentee Ballot or the official ballot or you may mark and return both ballot forms; however, the election authority will count only one of such ballots, as explained below.

Voted ballots must be returned by mail, a licensed motor carrier or submitted to a US Embassy or Consulate for return to the US (regular US postage required). In addition, civilian/military overseas voters have the option of returning their voted Special Absentee Ballot by fax. Upon receipt of the faxed ballot, the election authority will seal the ballot inside a ballot envelope and keep it secure until such time as it can be processed for counting. The voter will be required to complete, sign and return a Fax Ballot Authorization form with their faxed ballot. Ballots returned by fax must be received by 7:00 p.m. on Election Day, April 7, 2009.

The election authority will count all valid absentee ballots received by 7 p.m. on Election Day. Ballots that are returned by mail but not received by the election authority by 7 p.m. Election Day will be counted if they are postmarked on or before April 6, 2009 and received no later than 5 p.m. on April 21, 2009. Ballots returned by mail that do not have a postmark will be counted if the date on the Certification completed by the voter is on or before April 6, 2009 and they are received no later than 5 p.m. on April 21, 2009.

If only one ballot – whether the Special Absentee Ballot or the official ballot – is received by the election authority within the time allowed, the election authority will count that ballot. If the election authority receives both the Special Absentee Ballot and the official ballot before the absentee ballot counting commences, the Special Absentee Ballot will be voided and the official ballot will be counted. If a second ballot is received after the election authority has counted the first ballot, the second ballot will be voided, regardless of whether it is the Special Absentee Ballot or the official ballot. The central counting of absentee ballots will commence on Election Day after 7:00 p.m. and will conclude at 5:00 p.m. on April 21, 2009.