



**IS VOTING A RIGHT... OR
A RESPONSIBILITY?**

Voting is a right; however, there are responsibilities that come with that right. One of those responsibilities is to register to vote. Military members and their families are given special considerations that are not offered to other citizens. Therefore, it is important to ensure that you are correctly registered.

For active duty military and their families, determining the state of legal residency is often confusing. Establishing residency in a state is a multi-step process that may include voter registration. Unfortunately, it is possible for someone to inadvertently apply for registration and cancel their current registration in another state while completing a Virginia DMV transaction, or incorrectly listing legal residence and military mailing address information on a Federal Post Card Application (Form 76). We may seek additional information on your legal residence status before adding you to the Norfolk rolls and cancelling your previous voter registration in another state. When additional residence information has been requested by the Office of Elections, your application will be held in pending status to give you time to respond.

The information provided in this brochure is furnished in an effort to help you determine where you should be registered to vote.



**IF VIRGINIA IS NOT THE CORRECT
STATE OF RESIDENCE, HOW DOES THE
MILITARY VOTER APPLY FOR VOTER
REGISTRATION IN ANOTHER STATE OR
LOCALITY?**

If, after reading this information, you determine that you are not a Virginia resident and you would like to keep your current residence, or apply for residence in another state, you may use a Federal Post Card Application (Form 76) to apply for voter registration, change your information, or apply for an absentee ballot. Mail the Form 76 to the Registrar of the locality you wish to claim as your residence. The Federal Voting Assistance Program recommends that a new Form 76 be completed at the beginning of each calendar year or when your mailing address changes.

If you have incorrectly or inadvertently applied for Virginia voter registration, please take a few moments to notify the Norfolk Registrar of your decision to withdraw your application. You may notify us by calling 757-664-4353 or sending an e-mail to Vote@norfolk.gov.

**If you need additional information,
please call 757-664-4353.**

**NORFOLK OFFICE OF ELECTIONS
Room 808 City Hall Building
810 Union Street
Norfolk, VA 23510**

757-664-4353

REGISTER

AND



***DEMOCRACY
IS NOT A
SPECTATOR
SPORT!***

***INFORMATION
FOR
MILITARY VOTERS***

★ **HOW DOES A MILITARY FAMILY DETERMINE WHERE THEY SHOULD REGISTER TO VOTE?**

The FEDERAL VOTING ASSISTANCE PROGRAM (FVAP) provides guidance for military voters and their family members. According to the residency information provided in the VOTING INFORMATION NEWS published by the Federal Voting Assistance Program (FVAP), military voters and their family members “may not arbitrarily choose which state to declare as your legal residence without meeting that state’s residency requirement.” Although legal residence may be changed, an individual may have only one legal residence at a time. Once legal residence is changed, a person may not revert to the old legal residency without re-establishing their physical presence and intent to return or remain.

To be eligible to register to vote in Virginia, a person must meet all of the following criteria:

- Be a resident of Virginia. A person who has come to Virginia for temporary purposes and intends to return to another state is not considered a resident for voting purposes.
- Be a U.S. Citizen.
- Be 18 years old. Any person who is 17 years old and will be 18 years of age by the next general election will be permitted to register in advance.
- Is not claiming residence or the right to vote in any other state.
- Is not currently declared incapacitated by a court of law.
- If convicted of a felony, voting rights have been restored.

★ **HOW DOES AN ACTIVE DUTY MILITARY MEMBER DETERMINE LEGAL RESIDENCE?**

FVAP General Guidelines for determining Legal Residence Address are as follows:

Active Duty Military Personnel

The state currently being claimed as legal residence for the active duty military person will be reflected on the military leave and earnings statement. **Home of Record** should not be confused with **Legal Residence**. The **Home of Record** is the address a military member had upon entry into the Service. The **Home of Record** address will not change throughout military service. However, the military member may choose to establish **Legal Residence** in any state as long as they have had physical presence in the state and the intent to remain or make the state the legal residence. The military voter may register from their last physical address in the state of residence and may continue to be registered from that address as long as they are on active duty. Records, including military records and voter registration records, should reflect the military member’s **Legal Residence** choice.

★ **HOW DOES THE SPOUSE OR DEPENDENTS OF AN ACTIVE DUTY MILITARY MEMBER DETERMINE LEGAL RESIDENCE?**

The spouse or dependents of active duty military do not automatically assume the legal residence of the military member. Each family member may establish legal residence in Virginia, or any other state in which they have had physical presence and in which they wish to be a permanent resident, as long as they meet the residency requirements of the state.

★ **WHAT HAPPENS ONCE A MILITARY VOTER DETERMINES VIRGINIA IS THEIR LEGAL RESIDENCE AND REGISTERS TO VOTE?**

If you wish to claim Virginia as your **Legal Residence** and register to vote, you may be asked questions to help the Office of Elections determine if you have met Virginia residency requirements. Questions such as: *What state do you have listed as legal residence with the military? Do you wish to establish Virginia residence?* may be asked. The status of your application is pending the receipt and review of any additional or missing information that may have been requested. The pending period is 30 days. If you do not qualify as a Virginia resident, you will be notified by mail. You have the right to appeal this determination.

When you become a Virginia resident, you may remain registered from your Virginia address, even though you may have moved from that address, as long as you are on active military duty, continue to claim Virginia as your legal residence, and provide updated change of mailing address information. You are permitted to list an address outside of Norfolk as a mailing address as duty stations change; however, since this accommodation is not offered to other non-military residents, a Federal Form 76 should be used to identify you as a military voter.

★ **WHAT ADDITIONAL INFORMATION SHOULD BE FURNISHED ON THE FORM 76?**

On the Form 76, Box 6, Additional Information:
① State if you are a **dependent or spouse**.
② State that you **do or do not** still live and receive mail at the voting residence address.
③ State the **time period you wish to receive ballots** at the address listed. This should not exceed the time you expect to use this address while stationed or deployed.

