



The Uniformed And Overseas Citizens Absentee Voting Act



The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986. UOCAVA requires that the states and territories allow certain groups of citizens to register and vote absentee in elections for Federal offices. In addition, most states and territories have their own laws allowing citizens covered by UOCAVA to register and vote absentee in state and local elections as well.

Provisions of UOCAVA

United States citizens covered by UOCAVA include:

- members of the United States Uniformed Services and merchant marine;
- their family members; and
- United States citizens residing outside the United States.

Among its key provisions, UOCAVA provides for an application called the [Federal Post Card Application](#) that qualified servicemembers and

overseas citizens can use to register to vote and request an absentee ballot simultaneously. The law also allows for the use of a "back-up" ballot for federal offices, called the [Federal Write-In Absentee Ballot](#). This ballot may be cast by voters covered by the Act who have made timely application for, but have not received, their regular ballot from their state or territory, subject to certain conditions.

In 2009, a subtitle of the National Defense Authorization Act for Fiscal Year 2010, titled the [Military and Overseas Voter Empowerment Act \("MOVE Act"\)](#), amended UOCAVA to establish new voter registration and absentee ballot procedures which states must follow in all federal elections. The amended UOCAVA is available [here](#).

Most of these new procedures were implemented by the November 2010 general election. As amended by the MOVE Act, UOCAVA now requires state officials to:

- provide UOCAVA voters with an option to request and receive voter registration and absentee ballot applications by electronic transmissions and establish electronic transmission options for delivery of blank absentee ballots to UOCAVA voters;
- transmit validly-requested absentee ballots to UOCAVA voters no later than 45 days before an election for a federal office, when the request has been received by that date, except where an undue hardship waiver is approved by the Department of Defense for that election;
- take steps to ensure that electronic transmission procedures protect the security of the balloting process and the privacy of the identity and personal data of UOCAVA voters using the procedures;
- expand the acceptance of the [Federal Write-In Absentee Ballot](#) to all elections for federal office beginning December 31, 2010;
- accept otherwise valid voter registration applications, absentee ballot applications, voted ballots, or [Federal Write-In Absentee Ballots](#) without regard to state notarization requirements, or restrictions on paper type, or envelope type; and
- allow UOCAVA voters to track the receipt of their absentee ballots through a free access system.

Administration of UOCAVA

The Secretary of Defense has administrative responsibilities for UOCAVA. Within the Department of Defense, the Secretary has assigned these responsibilities to the [Federal Voting Assistance Program \(FVAP\)](#). The FVAP actively monitors the voter registration and absentee voting opportunities provided to members of the Armed Forces, their family members, and U.S. citizens residing overseas. It works closely with the States to assure that citizens covered by UOCAVA have a full opportunity to participate in Federal elections.

The FVAP maintains a website where you will find detailed information about overseas voting procedures and materials, including instructions for obtaining and using the Federal Post Card Application (FPCA) and the Federal Write-in Absentee Ballot (FWAB). The website also provides information about using the Federal Write-In Absentee Ballot.

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Frequently Asked Questions

Who does UOCAVA protect?

The protections of UOCAVA apply to: (1) members of the uniformed services on active duty and the merchant marine who, because of their membership in the service, are absent from their place of residence, and

are otherwise qualified to vote; (2) the spouses and dependents of these uniformed services voters who are absent due to the member's active duty or service and (3) qualified voters who reside outside of the United States.

What rights does UOCAVA give me?

If you are a qualified voter protected by UOCAVA, in elections for federal office, the state in which you are qualified to vote must (1) permit you to register to vote and request an absentee ballot if a request is received by the 30th day before the election; (2) send you an absentee ballot early enough to receive it, vote it, and send it back, specifically by the 45th day before the election, if a request is received by that date; (3) permit you to request and receive your voter registration form, absentee ballot request, and blank absentee ballot electronically; (4) permit you to cast a Federal Write-In Absentee Ballot under certain conditions; (5) provide you with free access to a tracking system that tells you whether your ballot has been received by the appropriate state election official; and (6) accept otherwise-valid voted ballots even if they are not notarized, and even if they are printed on a nonstandard paper size or sent in a nonstandard type envelope.

What is a Federal Write-In Absentee Ballot (FWAB)?

The Federal Write-In Absentee Ballot (FWAB) is an official blank write-in ballot that all UOCAVA voters can use as an emergency “back-up” ballot if they have made a timely request for an absentee ballot from the state or county but do not receive it in time to send it back by their state's deadline. UOCAVA requires states to accept FWABs in all elections for federal office. If a UOCAVA voter receives a state-issued ballot after having already sent in a FWAB, the FVAP recommends that the voter vote that ballot and send it in. A state will only count one of the ballots. You can find more information on obtaining and voting a FWAB on the [FVAP website](#).

If a county is late in mailing absentee ballots to soldiers or U.S. citizens living overseas, what can the Department of Justice do?

Under Section 105 of UOCAVA, the Attorney General is authorized to bring civil actions to enforce UOCAVA requirements. When states have failed to make sure that ballots are sent to qualified UOCAVA protected voters in a timely manner, the Department of Justice has successfully obtained court orders and consent decrees. Many of these have required states to extend their deadlines for receiving these ballots and to count such ballots, even when they arrived after Election Day. In some cases, the states were required to make permanent changes to their laws or procedures to make sure the problems are not repeated in future elections. Through these cases brought to enforce the federal law, the Department has ensured that qualified servicemembers and overseas voters were able to cast their ballots, and know that they were counted.

Who can I contact if I have a question about my right to vote?

The [EVAP](#) administers many of the federal responsibilities under UOCAVA, and assists servicemembers, their families and overseas voters to facilitate their participation in the voting process. If you need assistance in registering or voting under UOCAVA, you can contact FVAP. If you believe you have been denied any of the rights guaranteed by UOCAVA, you can contact the Department of Justice.

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