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Pennsylvania Military and Overseas Voters Guidance

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Background

Federal and state laws require certain election accommodations and procedures for citizens living abroad who wish to vote. These rules generally apply to three categories of individuals:

- 1) Voters in the uniformed services, their spouses and dependents, and, in certain cases, military veterans;
- 2) Individuals registered to vote in Pennsylvania but who reside overseas; and
- 3) So-called “federal voters,” who live overseas and do not intend to return to Pennsylvania and, therefore, may participate only in elections for federal offices (President, Vice President, U.S. Senator, and Representative in Congress).

This guidance provides background on the relevant laws and procedures for accommodating the first two categories of voters. For guidance relating to federal voters, please see the Department’s [UOCAVA Federal Voters Guidance](#).

Relevant laws

The federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (**UOCAVA**) requires that states and territories allow military and overseas citizens to register and vote by absentee ballot in elections for federal offices. In 2009, Congress enacted the Military and Overseas Voter Empowerment Act (**MOVE**), prescribing additional procedures. These federal laws do not apply to state and local elections.

Pennsylvania extended UOCAVA’s procedures to military and overseas voters registered to vote (or eligible to be registered to vote) with the Uniform Military and Overseas Voters Act (**UMOVA**). UMOVA applies to all elections conducted in Pennsylvania—including general elections, municipal elections, special elections, and primary elections¹—and helps to ensure compliance with the federal statutes.

UMOVA establishes the rules for registered or eligible Pennsylvania voters who are in the military or overseas at the time of an election. It does **not** establish rules for federal voters. Those voters are covered by UOCAVA. Please refer to the Department of State’s Guidance on Federal Voters Under UOCAVA for more detailed information on federal voters.

¹ See 25 Pa.C.S. §§ 3502, 3508(a).

Who is covered under UMOVA?

UMOVA covers voters in the uniformed services and voters living abroad who are eligible to vote in Pennsylvania.² The state law does not cover federal voters.

The law closely defines who can benefit from UMOVA. A **uniformed-service voter** is a qualified elector who is one of the following:

- 1) A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States who is on active duty;
- 2) A member of the United States merchant marine, the Commissioned Corps of the Public Health Service of the Department of Health and Human Services or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;
- 3) A member on activated status of the National Guard or Pennsylvania National Guard³;
- 4) A spouse or dependent of an individual referred to in (1), (2), or (3); or
- 5) A veteran of a uniformed service (see 1, 2, and 3 above) who is bedridden or hospitalized due to illness or physical disability.⁴

Note: The inclusion of a bedridden or hospitalized veteran of a uniformed service (5, above) is unique to UMOVA, and this voter is not covered under UOCAVA.

An **overseas voter** is an individual who possess all the qualifications for voting in this Commonwealth (or who, by the next ensuing election, obtains all the qualifications) and who is outside the United States at the time of an election.⁵

To trigger UMOVA's protections, a qualified voter must inform the appropriate county board of elections of their status as a covered voter. To do this, the voter may use special forms called the [Federal Post Card Application \(FPCA\)](#) or a [Federal Write-In Absentee Ballot \(FWAB\)](#). These forms are available at <https://www.fvap.gov/eo/overview/materials/forms>.

² See 25 Pa.C.S. § 3502.

³ See 25 Pa.C.S. § 1102.

⁴ See 25 Pa.C.S. § 3502.

⁵ See 25 Pa.C.S. § 3502.

The voter also may simply indicate their overseas address, or include other sufficient identifying information, on a voter registration application or ballot application.⁶

Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

Print clearly in blue or black ink, please see back for instructions.

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's guidelines at FVAP.gov.

1. Who are you? Pick one.

- I request an absentee ballot for all elections in which I am eligible to vote AND:
- I am on active duty in the Uniformed Services or Merchant Marine -OR- I am an eligible spouse or dependent.
 - I am a U.S. citizen living outside the country, and I intend to return.
 - I am a U.S. citizen living outside the country, and my intent to return is uncertain.
 - I am a U.S. citizen living outside the country, I have never lived in the United States.

For example, if any of the boxes highlighted below are checked on the FPCA, then the voter is covered under UMOVA.

Voter Information

Federal Write-In Absentee Ballot (FWAB)

Print clearly in blue or black ink, please see back for instructions.

Have you already registered and requested an absentee ballot?

Some states allow you to use this form to register and request ballots for future elections. Visit FVAP.gov for more details.

1. Who are you? Pick one.

- For absent Uniformed Service members, their families, and citizens residing outside the United States.
- I am on active duty in the Uniformed Services or Merchant Marine -OR- I am an eligible spouse or dependent.
 - I am a U.S. citizen living outside the country, and I intend to return.
 - I am a U.S. citizen living outside the country, and my intent to return is uncertain.
 - I am a U.S. citizen living outside the country, I have never lived in the United States.

Registering to vote

Like other electors, **UMOVA-covered voters must register to vote in order to participate in an election.** There is one exception: active uniformed-service voters and veterans of a uniformed service who are bedridden or hospitalized due to illness or physical disability do not need to register to vote in order to cast a ballot.⁷

Overseas voters can register to vote in-person at their county board of elections, by mail using a registration application (the voter registration mail application, or **VRMA**), or any other method prescribed by Pennsylvania law. Covered voters may also use the FPCA to register to vote and apply for a military-overseas ballot at the same time.⁸ Uniformed-service voters may also use the FWAB to register to vote and to vote at the same time.⁹

⁶ See 25 Pa.C.S. § 3506(e).

⁷ See 25 Pa.C.S. § 3505(a).

⁸ See 25 Pa.C.S. § 3505(b)(1).

⁹ See 25 Pa.C.S. § 3505(b)(2).

How may a covered voter register to vote?

	FPCA	FWAB	VRMA	Online
Uniformed-service voter	x	x	x	x
Spouse/dependent of uniformed-service voter	x	x	x	x
A uniformed-service veteran bedridden/hospitalized due to illness or disability	x	x	x	x
Overseas voter	x		x	x

When must a covered voter register to vote?

	Not required to register	May apply to register at any time	At least 30 days prior to election
Uniformed-service voter (active service)	x		
Uniformed-service voter (inactive)		x	
Spouse/dependent of uniformed-service voter		x	
A uniformed-service veteran bedridden/hospitalized due to illness or disability	x		
Overseas voter			x

Applying for a military-overseas ballot

Note: A "military-overseas ballot" refers to either a FWAB or a specially prepared absentee ballot (including a special write-in absentee ballot).

Covered voters who are registered to vote in Pennsylvania may apply for a military-overseas ballot using either an absentee ballot application or the FPCA.¹⁰

If not registered to vote in Pennsylvania, a covered voter may use a FPCA to both register to vote and apply for a military-overseas ballot simultaneously.¹¹

¹⁰ See 25 Pa.C.S. § 3506(a).

¹¹ See 25 Pa.C.S. § 3506(b).

A uniformed-service voter may use the FWAB to register to vote, apply for a military-overseas ballot, and vote, all at the same time.¹² Uniformed-service voters do not, however, need to register to vote in order to cast a military-overseas ballot.

Voters can track the status of their ballot applications at <https://www.pavoterservices.pa.gov/>.

How may a covered voter apply for an absentee ballot?

	FPCA	FWAB	Absentee Ballot Application
Uniformed-service voter	x	x	x
Spouse/dependent of uniformed-service voter	x	x	x
A uniformed-service veteran bedridden/hospitalized due to illness or disability	x	x	x
Overseas voter	x		x

When can covered voters apply for a military-overseas ballot?

A covered voter may apply for a military-overseas ballot at any time prior to an election.¹³

Covered voters can make a **standing request** for receiving military-overseas ballots for each election in a calendar year. Submitting an application for a military-overseas ballot for a primary election must be considered a standing request for all subsequent special, general, or municipal election that calendar year.¹⁴

Note: A military-overseas ballot application for an election occurring prior to the primary, like a special election, does not constitute a standing request for subsequent elections.

When are counties required to transmit military-overseas ballots?

Counties must begin transmitting ballots and balloting materials to all covered voters not later than **45 days before the election** (or the preceding business day, where the 45th day before the election falls on a weekend or holiday) who by that date submit a valid military-overseas ballot application.¹⁵

However, in federal elections years—during which the 45th day before the election falls on a Saturday—the U.S. Department of Justice interprets UOCAVA to require that

¹² See 25 Pa.C.S. § 3506(d).

¹³ See 25 Pa.C.S. § 3507(a).

¹⁴ See 25 Pa.C.S. § 3507(b).

¹⁵ See 25 Pa.C.S. § 3508(a)(1).

ballots and balloting materials be sent on Saturday for any voters whose applications are received on that date.

For covered voters in extremely remote or isolated areas, counties must begin to transmit ballots and balloting materials not later than **50 days before a primary election** and not later than **70 days before a general or municipal election** (or the preceding business day, if the 50th or 70th day before the election falls on a weekend or holiday) to those voters who by that date submit a valid military-overseas ballot application.¹⁶

How do counties transmit ballots?

Counties may transmit ballots and balloting materials to voters via mail or, if requested by the voter, electronic transmission.¹⁷

What are the requirements for transmitting ballots to applicants who apply after the county begins transmitting ballots?

Counties that receive a valid military-overseas ballot application from a covered voter after the county has begun transmitting ballots and balloting materials must transmit a ballot and balloting materials to that voter not later than 48 hours after the application is received.¹⁸

*Note: For voters who apply after the county has already begun transmitting ballots and balloting materials, UMOVA requires the county to transmit the documents within 48 hours of receiving the application. UOCAVA is different and requires transmission within 48 hours of approving the application. This means that counties' obligations for transmitting ballots and balloting materials to federal voters are different than other overseas and military voters. In practice, though, counties should respond to **all** military-overseas ballot applications within the same period of time.*

When must ballots be cast by covered voters to be timely?

To be valid, the voter must submit the military-overseas ballot for mailing or other authorized means of delivery **not later than 11:59 p.m.** the day before the election.¹⁹ A military-overseas ballot delivered by the voter, in-person, to the appropriate county board of elections no later than the close of the polls on Election Day is also valid.²⁰

¹⁶ See 25 Pa.C.S. § 3508(b)(1).

¹⁷ See 25 Pa.C.S. § 3508(c).

¹⁸ See 25 Pa.C.S. § 3508(d).

¹⁹ See 25 Pa.C.S. § 3509(2).

²⁰ See 25 Pa.C.S. § 3509(1).

Voters can track the status of their ballot at <https://www.pavoterservices.pa.gov/>.

How may a covered voter vote an absentee ballot?

	Special Write-in Absentee Ballot ²¹	Official Absentee Ballot	FWAB
Uniformed-Service Voter	X	X	X
Overseas Voter	X	X	X

A county will only count a FWAB in the absence of a duly submitted standard absentee ballot from that voter.

What is the deadline for the county board of elections to receive a voted ballot?

A valid military-overseas ballot must be delivered to the appropriate county board of elections by 5 p.m. on the 7th day following the election to be counted.²²

Are there any postmark requirements?

No, provided that, at the time of completing the military-overseas ballot and balloting materials, the voter declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has no postmark, the postmark is unreadable, or the postmark is late.²³

What information must counties provide to overseas voters?

County boards of elections must facilitate voting with the FWAB by making available to covered voters a list of the offices and issues to be voted on at the upcoming election. The election notice must be prepared at least 90 days before an election and posted to the county board's website.²⁴ The notice must contain a list of all ballot measures and offices, and specific instructions for how voters can make their choices. County boards must update the 90-day notice as soon as the county obtains a list of candidates from the Secretary of the Commonwealth (i.e., no later than 70 days before the election) and must continue to update the notice if changes to the ballot occur.²⁵

²¹ A Special Write-in Absentee Ballot is an absentee ballot counties prepare to transmit to covered voters before the county has finalized its Official Absentee Ballot. Both Special Write-in Absentee Ballots and Official Absentee Ballots are subject to the same deadlines and rules.

²² See 25 Pa.C.S. § 3511(a).

²³ See 25 Pa.C.S. § 3511(b).

²⁴ See 25 Pa.C.S. § 3514.

²⁵ See 25 Pa.C.S. § 3514(c).

What are the voter ID requirements for covered voters?

The Department's position is that covered voters are exempt from the Election Code's ID requirements for absentee voters.

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Version	Date	Description
1.0	09.26.2022	Conversion of county memo into guidance form
2.0	09.25.2023	Edits for clarity and consolidating prior guidance

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