



# Federal Voters under UOCAVA Guidance

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ARCHIVED – Refer to Department of State website for current information

## Background

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

- 1) Voters in the armed services who are stationed abroad;
- 2) Individuals registered to vote in Pennsylvania but who reside overseas; and
- 3) So-called “federal voters,” who live overseas and are not registered to vote in the commonwealth and, therefore, may only participate 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 third category, federal voters.

## 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**).<sup>1</sup> UMOVA applies to all elections conducted in Pennsylvania, including general elections, municipal elections, special elections, and primary elections.

*Please refer to the Department of State’s [Military and Overseas Voters Guidance](#) for more detailed information on voters who are covered by UMOVA.*

## What is a “federal voter”?

“Federal voters” are U.S. citizens residing overseas who are entitled to vote for federal offices under UOCAVA.<sup>2</sup> Other overseas and military voters meet the residency requirements under the Pennsylvania Election Code or UMOVA to vote or be registered to vote in Pennsylvania. Federal voters need not (and cannot) meet those residency requirements.

- The key distinction is intent to return to Pennsylvania.

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<sup>1</sup> See 25 Pa.C.S. §§ 3502, 3508(a).

<sup>2</sup> UOCAVA specifically states that federal voters are citizens who “reside[] outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.” 52 U.S.C. § 20310(5)(C).

- If an individual temporarily or indefinitely residing overseas has the intent to return to live in Pennsylvania, he or she may register as Pennsylvania voter and participate in all elections held in the commonwealth. These voters are governed by UMOVA.

If an individual residing overseas does **not** have the intent to return to Pennsylvania, he or she may not register to vote but may still cast a vote for federal offices as a federal voter under UOCAVA.

If any of the boxes highlighted below are checked on the FPCA, then the voter is a federal voter.

## Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

**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.**

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

### 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.

If any of the boxes highlighted below are checked on the FWAB, then the voter is a federal voter.

## Voter Information

Federal Write-In Absentee Ballot (FWAB)

**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.**

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

### 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.

## Are federal voters required to register to vote? What is the deadline for federal voters to register to vote?

Federal voters are not entitled to become registered voters in Pennsylvania. Thus, there is no registration deadline for federal voters. They may not register to vote, until and unless they meet the necessary residency requirements.

## Who may federal voters vote for?

Federal voters may only vote for federal office, including President, Vice President, U.S. Senator, and U.S. Representative. They are not entitled to vote for any other state or local offices.

## What is the deadline for federal voters to request and return an absentee ballot?

Federal voters must request an absentee ballot by the **Tuesday before Election Day**—the same deadline for requesting standard domestic absentee ballots. They may make this request using the standard domestic absentee ballot request form, [available online here](#), or a special form called the Federal Post Card Application (**FPCA**), [available online here](#). Federal voters should request their ballot from the county where they last resided in Pennsylvania.

*Note: Any absentee ballot sent to a federal voter should include only federal offices and not any state and local offices.*

Federal voters must mark and return their absentee ballots by **8:00 p.m. on Election Day**—the same deadline for returning standard domestic absentee ballots.<sup>3</sup>

Federal voters may also vote using the Federal Write-In Absentee Ballot (**FWAB**), which may be submitted at the same time as their absentee ballot application. The FWAB is [available online here](#). The 8:00 p.m. Election Day deadline applies whether a federal voter votes using an FWAB or a standard absentee ballot. The county will only count a FWAB in the absence of a duly submitted standard absentee ballot from that voter.

*Note: The deadlines for federal voters are stricter than voters covered by UMOVA, which permits later submission for certain military and overseas voters, with a ballot counted if received within seven days after Election Day.*

## What is the deadline for counties to send a federal voter an absentee ballot?

Counties that timely receive a federal voter's request for an absentee ballot should transmit the ballot to the voter **at least 45 days before the election**. For requests received within 45 days of the election, counties should respond as they would to any other absentee ballot request—that is, transmit a ballot to that voter **within 48 hours of approving the ballot application**.

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<sup>3</sup> For the submission and processing of federal write-in absentee ballots, UOCAVA adopts the deadlines used in state law for other absentee ballots. See 52 U.S.C. § 20303(b). The standard deadline for domestic absentee ballot requests is the Tuesday one week before Election Day. The standard deadline for ballots to be received is 8:00 PM on Election Day. See 25 P.S. §§ 3146.2a(a); 3146.6(a).

## What are the voter ID requirements for federal voters?

Federal voters are exempt from the absentee voter ID requirements of the Election Code.<sup>4</sup>

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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

<sup>4</sup> 25 P.S. §§ 3146.2(j), 3146.2b(f), 3146.5(c), 3146.8(i) (“[A] qualified absentee elector shall not be required to provide proof of identification if the elector is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.”).