



Guidance Concerning Federal Voters under UOCAVA

Date: September 26, 2022

Version: 1.0

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The Department of State has received many questions from the county boards of elections through the years regarding federal voters. Below are some frequently asked questions and answers regarding federal voters. Statutory references are also included for convenience.

What is a “federal voter”?

“Federal voters” are U.S. citizens residing overseas who are entitled to vote for federal offices under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These citizens “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).

How are federal voters different than other military and overseas voters?

Other overseas and military voters meet the residency requirements under the Pennsylvania Voter Registration Law or the Pennsylvania Uniform Military and Overseas Voters Act (UMOVA). Federal voters need not (and cannot) meet those residency requirements.

The key distinction is intent to return to Pennsylvania.

- If an overseas resident has the intent to return to live in Pennsylvania, he or she may register as a “regular” overseas voter.
- If an overseas resident 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.

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. There is thus no registration deadline for federal voters. They may not register to vote. They may register as voters in Pennsylvania only on meeting the necessary residence requirements.

Who may federal voters vote for?

Federal voters may only vote for federal office, which is President, Vice President, U.S. Senator, and Representative in Congress. 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 as for standard domestic absentee ballots to be requested. They may use the Federal Post Card Application (FPCA) or the standard domestic absentee ballot request form.

Federal voters may vote using the Federal Write-In Absentee Ballot (FWAB), which may be submitted at the same time as their absentee ballot application. Federal voters who do not submit a FWAB concurrently with their absentee ballot request must mark and return their absentee ballots by 8 PM on Election Day—the same deadline as for standard domestic absentee ballots to be returned. (This applies to a voter who sends in a FWAB after applying, and also to a voter who receives an official absentee ballot sent by a county. Any absentee ballot sent to a federal voter should include only federal offices and not any state and local offices.)

- 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. 25 P.S. § 3146.2a(a). The standard deadline for ballots to be received is 8:00 PM on Election Day. 25 P.S. § 3146.6(a).
- The Uniform Military and Overseas Voter Act (UMOVA) permits later submission for certain military and overseas voters, with a ballot counted if received within seven days after Election Day. But the definitions provisions of UMOVA are more restrictive than in UOCAVA and federal voters are not covered by UMOVA.
- On the FPCA or FWAB, federal voters would be those voters who indicate they are a U.S. citizen living outside the country, and their intent to return is uncertain.

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

If a federal voter requests an absentee ballot more than 45 days before the election, the ballot must be transmitted at least 45 days before the election.

If the ballot is requested fewer than 45 days before the election, the ballot is to be sent out “in accordance with State law,” presumably treated as any other absentee ballot request.

What are the voter ID requirements for federal voters?

Federal voters are exempt from the absentee voter ID requirements of the Election Code. 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 . . .”).

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Version	Date	Description
1.0	9.26.2022	Conversion of county memo into guidance form

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