



Overview of the Uniform Military and Overseas Voters Act (UMOVA)

Date: September 26, 2022

Version: 1.0

ARCHIVED – Refer to Department of State website for current information

Background

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. Additionally, in 2009, Congress passed the Military and Overseas Voter Empowerment Act (MOVE), which amended UOCAVA to establish new voter registration and absentee ballot procedures which states must follow in all federal elections. These federal laws, however, do not apply to state and local elections.

To address this issue, the Pennsylvania General Assembly passed **the Uniform Military and Overseas Voters Act (UMOVA)**, which was signed into law on October 24, 2012. UMOVA extends to state and local elections the accommodations and protections for military and overseas voters found in federal law. UMOVA applies to all elections conducted in Pennsylvania and helps to ensure compliance with UOCAVA and MOVE.

Below is a helpful overview of UMOVA, including important information on who is covered under UMOVA and the requirements for compliance with UMOVA. Statutory references are also included for convenience.

Who is covered under UMOVA?

Covered voters include all the following:

- (1) A uniformed-service voter who is registered to vote in the Commonwealth;
- (2) An overseas voter who is registered to vote in the Commonwealth;
- (3) A uniformed-service voter who is not registered to vote in the Commonwealth but who otherwise satisfies the voter eligibility requirements of this Commonwealth; and
- (4) An overseas voter who is not registered to vote in the Commonwealth but who otherwise satisfies the voter eligibility requirements of this Commonwealth.

See 25 Pa.C.S. § 3502.

NOTE: UMOVA does not cover federal voters. Federal voters are covered by UOCAVA alone. Federal voters can only vote for federal offices (President, Vice President, U.S. Senator, and Representative in Congress). Please refer to the Department of State's Guidance on Federal Voters Under UOCAVA for more detailed information on federal voters.

Who is a Uniformed-Service Voter?

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 Guard.
- (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.

See 25 Pa.C.S. § 3502.

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

Who is an overseas voter?

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) who is outside the United States. See 25 Pa.C.S. § 3502.

What elections are covered by UMOVA?

General elections, municipal elections, special elections, and primary elections held in the Commonwealth. See 25 Pa.C.S. §§ 3502, 3508(a).

How do you become a covered voter?

To receive the benefits of a covered voter under UMOVA, the voter must inform the appropriate county board of election of their status as a covered voter. Methods of informing the appropriate county election board include all of the following:

- (1) The use of a Federal Post Card Application (FPCA) or a Federal Write-In Absentee Ballot (FWAB);
- (2) The use of an overseas address on an approved voter registration application or ballot application; and
- (3) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

See 25 Pa.C.S. § 3506(e).

Are covered voters required to register to vote?

Yes, covered voters who wish to vote in an election must be registered to vote in the Commonwealth by the voter registration deadline in the Election Code. However, neither an active uniformed-service voter nor a veteran of a uniformed service who is

bedridden or hospitalized due to illness or physical disability is required to register to vote. See 25 Pa.C.S. § 3505(a).

How can a covered voter register to vote?

Covered voters may register to vote in-person at their county board of elections, by mail using a Voter Registration Mail Application (VRMA) or any other method prescribed by Pennsylvania law.

Additionally, a covered voter may use the FPCA to register to vote and apply for a military-overseas ballot at the same time. See 25 Pa.C.S. § 3505(b)(1).

A uniformed-service voter may use the FWAB to register to vote and to vote at the same time. See 25 Pa.C.S. § 3505(b)(2).

What is a military-overseas ballot?

A military-overseas ballot includes all the following:

- (1) FWAB;
- (2) A special write-in absentee ballot;
- (3) A ballot specifically prepared or distributed for use by a covered voter in accordance with UMOVA; and
- (4) A ballot cast by a covered voter in accordance with UMOVA.

See 25 Pa.C.S. § 3502.

How do you apply for a military-overseas ballot?

Covered voters who are registered to vote in the Commonwealth may apply for a military-overseas ballot using either an absentee ballot application or the FPCA. See 25 Pa.C.S. § 3506(a).

Covered voters who are not registered to vote in the Commonwealth may use a FPCA to both register to vote and apply for a military-overseas ballot simultaneously. See 25 Pa.C.S. § 3506(b).

A uniformed-service voter may use the FWAB to apply for a military-overseas ballot and vote at the same time. See 25 Pa.C.S. § 3506(d).

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. See 25 Pa.C.S. § 3507(a).

May a covered voter make a standing request?

Yes, a county board of elections must provide a military-overseas ballot to a voter who makes a standing request for each applicable election. An application for a military-overseas ballot for a primary election must be considered a standing request for a

military-overseas ballot for a special election, a general election or a municipal election, occurring subsequently to the primary election in the same calendar year. However, an application for an election that occurs prior to a primary, for example a special election, is not considered a standing request for subsequent elections in the same calendar year. See 25 Pa.C.S. § 3507(b).

When are counties required to transmit military-overseas ballots?

The counties must begin to transmit a ballot and balloting materials to all covered voters not later than 45 days before the election, who by that date submit a valid military-overseas ballot application. Because the 45th day before the election falls on a Saturday, Sunday or holiday, the ballots and balloting materials must be transmitted not later than the business day preceding the 45th day. See 25 Pa.C.S. § 3508(a)(1).

HOWEVER, in federal elections years, even though the 45th day falls on a Saturday, the U.S. Department of Justice interprets UOCAVA to require that 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, the counties must begin to transmit a ballot and balloting materials not later than 50 days before a primary election and not later than 70 days before a general or municipal election, to those voters who by that date submit a valid military-overseas ballot application. If the 50th or 70th day falls on a Saturday, Sunday or holiday, the ballots and balloting materials must be transmitted on the business day preceding the 50th and 70th day, respectively. See 25 Pa.C.S. § 3508(b)(1).

How do counties transmit ballots?

A covered voter may request the means of transmission for their ballot and balloting materials, including by mail or by internet delivery. See 25 Pa.C.S. § 3508(c).

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

Ballot applications from covered voters received by county boards of election after the transmission of ballots begins (See **When are the counties required to transmit military overseas ballots?** above) must transmit a ballot and ballot materials to the voter not later than 48 hours after the application is *received*. See 25 Pa.C.S. § 3508(d).

NOTE: UMOVA requires transmission of ballots within 48 hours after the application is RECEIVED, whereas UOCAVA (52 U.S.C. § 20302(a)(8)(B)) requires that the county board of elections deliver or mail the ballot within 48-hours after APPROVAL OF THE APPLICATION.

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

To be valid, the voter must submit the ballot for mailing or other authorized means of delivery *not later than 11:59 P.M.* the day before the election. See 25 Pa.C.S. § 3509(2).

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. See 25 Pa.C.S. § 3509(1).

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

A valid military-overseas ballot (refer to **When must ballots be cast by voters to be timely?** above) must be delivered to the appropriate county board of elections by 5 p.m. on the seventh (7th) day following the election, to be counted. See 25 Pa.C.S. § 3511(a).

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, an unreadable postmark or no postmark. See 25 Pa.C.S. § 3511(b).

Are there any notice requirements?

Yes, 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. See 25 Pa.C.S. § 3514. 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. See 25 Pa.C.S. § 3514(c).

###

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