



# Secretary of State

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## Service and Overseas Voters

Elections Clearinghouse Notice

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This Clearinghouse is reissued to clarify language and procedure. It replaces Clearinghouse #14-05 issued September 15, 2014.

WAC 434-235-010, RCW 29A.04.109 and RCW 29A.04.163 define which voters qualify as service or overseas voters. These voters are often called “UOCAVA” voters, referring to the federal Uniformed Overseas Citizen Absentee Voting Act.

### Who qualifies as a service voter?

- Any elector who is a member of the armed forces in active service, a member of the reserves, a student or faculty member at a military academy, a merchant marine, or a member of a religious group or welfare agency serving with the armed forces of the United States. These voters may or may not be absent from their place of residence.
- Any spouse or dependent who, because of the active duty or service of the member, is **absent from his or her place of residence**.

A spouse or dependent who is **not** away from his or her place of residence does not qualify as a UOCAVA voter. Spouses who are registered to vote in the county where they reside are not qualified for UOCAVA status. In some cases, but not all, spouses/dependents identify their circumstances.

- Example #1: a service member and spouse currently stationed at Naval Station Everett are registered to vote at their current residence in Everett. The service member is a UOCAVA voter, but the spouse is not.
- Example #2: a service member and spouse currently stationed at Fort Bragg, North Carolina, are registered to vote at their residence in Everett. Both the service member and the spouse are UOCAVA voters.

## **Who qualifies as an overseas voter?**

- A person who resides outside the United States is qualified to vote at the last place in which the person (or a family member) was domiciled before leaving the United States.

Voters **temporarily** outside the U.S. on vacation do not qualify for *ongoing* UOCAVA status, but may require a temporary UOCAVA designation depending on the circumstance and when your office is notified.

- Example #1: a voter notifies your office in advance that they'll be traveling out of the country, such as taking a 2-week vacation overseas. The following options are available:
  - The voter may vote and return a ballot before leaving the country; or
  - The voter may receive and vote a special absentee ballot when a regular ballot is not yet available. Voters may receive a special absentee ballot up to 90 days before an election. (RCW 29A.40.050) (WAC 434-250-030)
- Example #2: a voter already overseas for a month-long trip realizes they need a ballot for the upcoming election and contacts your office. Place the voter on UOCAVA status *temporarily* and send a UOCAVA ballot. This allows the voter the option to return the ballot electronically. Because they notified your office that this is a short-term situation, they should not remain on UOCAVA status for subsequent elections. The voter is making a visit; they are not residing overseas.

If the voter notifies your office of plans to reside outside the country for any length of time, such as attending school overseas, the voter should be placed on UOCAVA status.

Voters remain on UOCAVA status until they verify that they no longer qualify. Failure to identify or confirm UOCAVA status on subsequent registration updates (via form, DOL, online submission) is not verification from the voter. You may send a follow up notice requesting the voter to reconfirm their status, but you cannot remove it if the voter does not respond.

## **Voter Registration** (WAC 434-235-020)

UOCAVA voters **not** currently registered in Washington State are exempt from the voter registration deadlines. Specifically, they may still submit a registration application online, electronically, or by mail that is received after the 8-day deadline and be registered on-time and issued a ballot for that election.

UOCAVA voters **currently** registered in Washington must meet deadlines for voter registration updates (transfers and name changes). After the transfer deadline, these voters may need your assistance to connect with the correct county of registration.

A UOCAVA voter must use his or her most recent residential address in Washington for registration, or the most recent residential address in Washington of a family member.

UOCAVA voters are not required to provide identification information when registering to vote.

UOCAVA voters may register by providing one of the following:

- Washington State voter registration application;
- A complete Federal Postcard Application (FPCA);
- A complete Federal Write-in Absentee Ballot (FWAB);
- National voter registration application; or
- Ballot (envelope) with a valid signature on the ballot declaration. (See below)

### **When Voter Registration Information is Incomplete**

UOCAVA voters are exempt from providing ID information. However, UOCAVA voters **must** provide the minimum information required by RCW 29A.08.010. A contradiction exists because RCW 29A.40.091(3) states, “For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration.” To resolve this contradiction, implement a courtesy UOCAVA registration and **issue a ballot**.

If a new, unregistered UOCAVA voter submits an application without all five pieces of required voter registration information (Name, DOB, Residential Address, Citizenship, Signature) contact the voter to obtain the missing information if there is enough time to do so before mailing a ballot.

For example, if you receive an incomplete ballot request from an unregistered UOCAVA voter and there is insufficient time to obtain the missing registration information, or the voter does not respond to your attempt to make contact, issue a ballot for the current election. Obtain the missing information when time permits.

When only a Washington State **residential address** is missing, precinct the courtesy UOCAVA voter registration using the County Auditor’s Office address. For these voters:

- If the ballot is returned, only count the votes of those offices and ballot measures common to the entire county, and the congressional race in which the County Auditor’s Office is located. A special precinct may be created for this purpose. (WAC 434-235-020(c)(i))
- After the election, place the voter on **inactive status** and send the voter a confirmation notice to obtain the voter’s correct residential address. (WAC 434-235-020(c)(ii))

When **other required pieces** are missing (Name, DOB, Citizenship, Signature) implement a courtesy UOCAVA voter registration and issue a ballot, if possible. In this case, the signature on the ballot registers the voter for that election only. After the election, send a verification notice to obtain the missing information:

- If the voter does not respond within 45 days from the date of mailing, place the courtesy UOCAVA registrant on **inactive status**.
- Follow procedures for inactive voters.

### **Ballot Delivery Preference** (WAC 434-235-020(3))

When a new UOCAVA registration does not indicate whether the voter prefers to receive a ballot by mail or electronically, the Military and Overseas Voter Empowerment Act (MOVE) requires contacting the voter for his or her ballot delivery preference. You need only to request the preference once.

For example, you may request the voter's preference when you receive a UOCAVA voter registration, your ballot materials may ask the voter for their preference, or you may follow up with a notification after the election. Unless the voter states otherwise, deliver the ballot by postal mail for all future elections.

If you receive information that the mail service in a country may be interrupted, contact any overseas voters to whom you are delivering a ballot by postal mail. Military voters receive their mail through the military mail system and are not normally affected by domestic mail issues.

### **Ballot Packet Materials**

UOCAVA voters receive regular, precinct-specific ballots, which contain races and issues specific to the voter. They also receive the same information received by all registered voters with a few modifications:

- The return mailing envelope must have the correct UOCAVA postpaid indicia included—not the Business Reply Mail used for regular ballots. The declaration may be the same as regular mail ballots. Include a space for a telephone number.
- Provide a privacy sheet (both postal mail and electronic ballot packets). The privacy sheet may contain instructions, but must **not** contain a declaration or identifying information.

Additional required information:

- The mailing address, phone number, fax number, email address, and website of the County Auditor's Office.
- How to return the ballot by fax, email, or postal mail.
- How to insert the privacy sheet between the declaration and the voted ballot for electronic return.
- How to confirm the voted ballot arrived in the elections office. Provide this information in a format the voter can keep after the voted ballot has been returned.

## **Issuing Ballots**

Send UOCAVA ballots no later than 30 days before special elections and no later than 45 days before a primary or general election.

If the voter prefers electronic delivery, it's not necessary to send a ballot by postal mail.

If a ballot sent electronically returns as undeliverable with no alternate delivery email address, a ballot must be sent by postal mail.

## **Processing Voted UOCAVA Ballots**

UOCAVA ballots returned by postal mail are not subject to the Election Day postmark requirement. The date of signature is considered the date of mailing.

Ballots returned by fax or email must be received no later than 8:00 PM (Pacific Time Zone) on the day of the primary or election. (RCW 29A.40.091)

County procedures for protecting the secrecy of a voted ballot are mandatory. These procedures must include a process for securing the secrecy of all ballots, including those returned by electronic means. (RCW 29A.40.110) (See the Processing Ballots Returned Electronically Clearinghouse)

UOCAVA voters returning ballots electronically are not required to also send the original documents by postal mail.

UOCAVA ballots are processed in the same manner as regular ballots. All UOCAVA ballots returned by postal mail must be received no later than the day prior to certification.

## **Federal Write-in Absentee Ballots (FWAB)**

The Federal Voting Assistance Program (FVAP) provides a generic ballot (FWAB) for UOCAVA voters who have not received their ballot by mail. This ballot permits the voter to write in their choices.

If the voter is not registered, register them using the information provided on the FWAB.

If an official ballot has been issued, hold the FWAB aside in case the voter also returns the official ballot. If the voter does not return the official ballot by the day before certification, process the FWAB.

Check the FWAB for a missing signature as soon as it is received. This allows time to contact the voter if necessary.

To process a FWAB, first verify the voter has not already returned another ballot. If another ballot has not been received, apply credit to the voter's record.

Instead of writing individual candidate names, the FWAB allows the voter to simply write in a single political party, indicating a vote for every candidate of that party. This instruction may be interpreted as votes for candidates with that party preference. However, if a race has more than one candidate for that party preference, a vote cannot be counted for that race.

Votes are duplicated according to voter intent (see Voter Intent Manual, Rule R).

For rules pertaining to voting and ballot processing, see WAC Chapter 434-235.

For questions regarding UOCAVA voters, please contact The Certification & Training Program at (360) 902-4180 or [ctsupport@sos.wa.gov](mailto:ctsupport@sos.wa.gov).