



# Secretary of State

*Kim Wyman*

## Service and Overseas Voters

Clearinghouse Elections Notice

Issue #14-05

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.
- Any spouse or dependent who, because of the active duty or service of the member, is absent from his or her place of residence. In some cases, but not all, spouses/dependents identify themselves.

A spouse or dependent who is **not** away from his or her place of residence does not qualify as a UOCAVA voter. In some cases, but not all, spouses/dependents identify their circumstances.

- Example #1: a service member and spouse currently stationed at Naval Station Everett wish to register 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 wish to register 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. For example, if a voter notifies your office in advance that she'll be traveling out of the country, such as taking a 2-week vacation overseas, she should:

- Vote and return a ballot before leaving the country; or
- 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.

If she's already overseas and contacts your office for a ballot, place the voter on UOCAVA status *temporarily* and send a UOCAVA ballot. This allows the voter to return the ballot electronically without also sending the hard copy. Because she notified your office of her 2-week vacation outside the country, she should not remain on UOCAVA status for subsequent elections. She is making a visit; she is 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.

Ultimately, the voter only loses his or her ongoing UOCAVA status when he or she notifies your office that he/she no longer qualifies.

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

UOCAVA voters **not** currently registered in Washington State are exempt from the voter registration deadlines.

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

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

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 when time permits to obtain the missing information.

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**.

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.

- In this case, 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 certification, the County Auditor must 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) we recommend sending a verification notice to obtain the missing information.

- In this case, 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, as time permits.

For example, your ballot materials may ask the voter for his or her 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.

### **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 indicate a postage-free return. 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 30 days before special elections and 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 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)

For example, a separate email address could be established exclusively for voted ballots. Utilizing the privacy sheet and securing the printout of the ballot immediately by inserting it into a security sleeve or envelope will assist in securing the secrecy of the ballot.

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 the day prior to certification.

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

The Federal Voting Assistance Program (FVAP) issues a generic ballot (FWAB), permitting the voter to write in his or her choices.

If the voter is not registered, register him or her 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. This allows time to contact the voter if necessary.

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

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.

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).