

# THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE  
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## INTRODUCTION

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As part of the [SJ 35 interim study of voter list maintenance and integrity](#), the members of the State Administration and Veterans' Affairs (SAVA) Interim Committee requested information about UOCAVA voters. These are voters covered under the 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This briefing paper is intended to provide a high-level overview of the federal and state laws, as well as the current procedure in Montana. Data about UOCAVA voters registered in Montana can be found at the end of the paper.

## FEDERAL LAW

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### THE UNIFORMED AND OVERSEAS ABSENTEE VOTING ACT (UOCAVA)

The [Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\) of 1986](#) requires U.S. states and territories to allow overseas and absent members of the military, military family members, and overseas citizens to register and vote absentee in all federal elections. UOCAVA requires election officials to follow special procedures when serving military and overseas voters.

UOCAVA provides for an application called the [Federal Post Card Application \(FPCA\)](#), which qualified servicemembers and overseas voters can use to register to vote and request an absentee ballot. The law also provides for the [Federal Write-In Absentee Ballot \(FWAB\)](#), which may be cast by voters covered by UOCAVA who have requested a ballot from their state or territory but have not received it in time for the election.

UOCAVA covers the following groups of United States citizens:

- members of the uniformed services on active duty and the merchant marine who, because of their membership in the service, are absent from their place of residence, and are otherwise qualified to vote;
- the spouses and dependents of these uniformed services voters who are absent due to the member's active duty or service; and
- qualified voters who reside outside of the United States.

### MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT (MOVE ACT)

In 2010, the [Military and Overseas Voter Empowerment Act \(MOVE\)](#) was enacted to amend UOCAVA to establish new voter registration and absentee ballot procedures for all federal elections. Specifically, the MOVE Act requires state officials to:

- provide UOCAVA voters with an option to request and receive voter registration and absentee ballot applications electronically;
- transmit absentee ballots to UOCAVA voters no later than 45 days before an election for a federal office, when the request has been received by that date;

- ensure that electronic transmission procedures protect the security of the balloting process and the privacy of the identity and personal data of the UOCAVA voter using the system;
- expand the acceptance of the Federal Write-In Absentee Ballot to all elections for federal office beginning December 31, 2010;
- accept otherwise valid voter registration applications, absentee ballot applications, voted ballots, or Federal Write-In Absentee Ballots without regard to state notarization requirements, or restrictions on paper type, or envelope type; and
- allow UOCAVA voters to track the receipt of their absentee ballots through a free access system.

## FEDERAL VOTING ASSISTANCE PROGRAM (FVAP)

The U.S. Secretary of Defense has administrative responsibilities for UOCAVA and has designated oversight to the Federal Voting Assistance Program (FVAP). The FVAP works with states to ensure that citizens covered by UOCAVA have the full opportunity to participate in federal elections and ensures that UOCAVA voters are aware of their absentee voting rights and have the tools and resources to successfully cast a ballot from anywhere in the world.

## MONTANA STATE LAW

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The Montana Absent Uniformed Services and Overseas Voter Act can be found in Title 13, Chapter 21 of the Montana Code Annotated. Much of the current state law was added or amended during the 2011 and 2013 legislative sessions in response to the passage of the MOVE Act.

## VOTER REGISTRATION & ELECTION PROCEDURE

Eligible electors can register using the Federal Post Card Application (FPCA) or the Montana Voter Registration Application. An application covers all elections held through December 31<sup>st</sup> of the year following the year of the application. Eligible electors must register each year.

Montana's online Electronic Absentee System (EAS) allows UOCAVA voters to register to vote, request an absentee ballot, and to vote a ballot online. UOCAVA voters are automatically sent an absentee ballot 45 days before federal elections through the calendar year following the year in which they applied. Per the MOVE Act, the EAS is available 45 days before federal elections, through 8 p.m. on Election Day.

## WHO IS COVERED UNDER MONTANA LAW?

The following definitions are used in 13-21-102, MCA, to articulate who is covered by the Montana Act:

"Covered voter" means:

- a uniformed-service voter or an overseas voter who is registered to vote in Montana;
- a uniformed-service voter whose voting residence is in Montana and who otherwise satisfies Montana's voter eligibility requirements;
- an overseas voter who, before leaving the United States, was last eligible to vote in Montana and, except for a state residency requirement, otherwise satisfies Montana's voter eligibility requirements; or
- an overseas voter who, before leaving the United States, would have been last eligible to vote in Montana had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies Montana's voter eligibility requirements.

“Dependent” means:

- an individual recognized as an independent by a uniformed service

“Overseas voter” means:

- a United States citizen who resides outside the United States who would otherwise be qualified to vote in the last place in which the person was domiciled before leaving the United States.

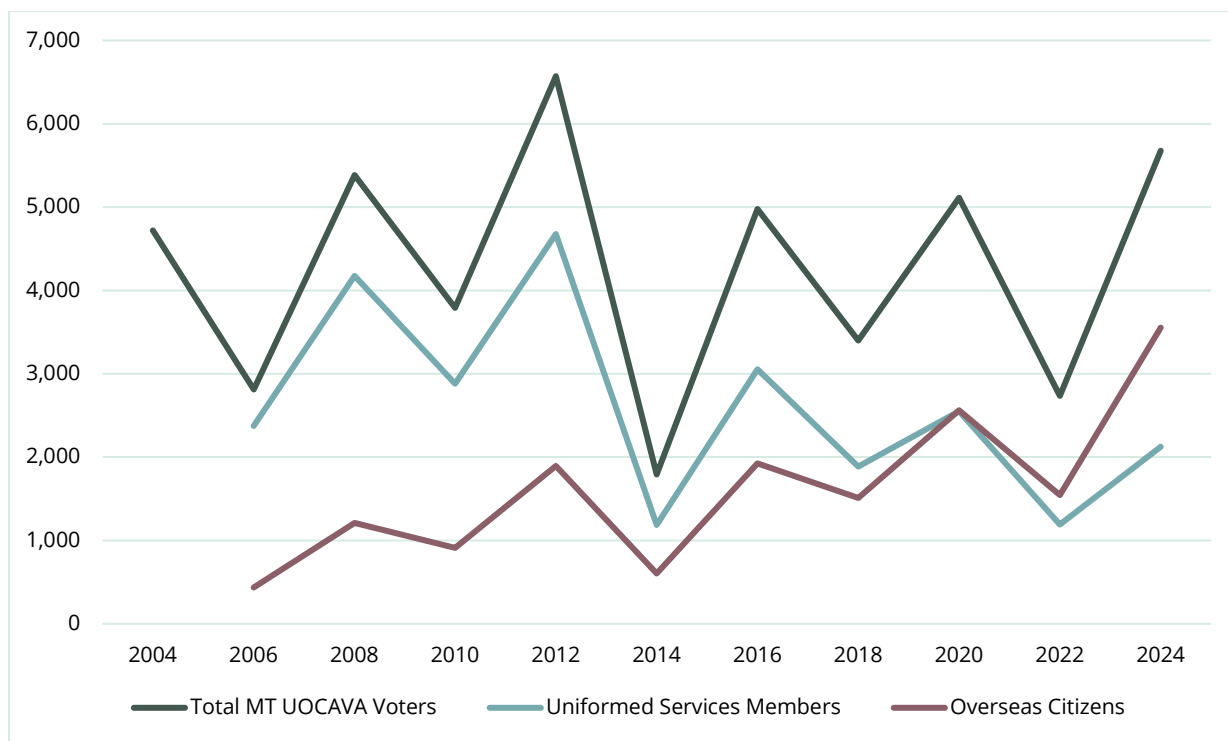
“Uniformed-service voter” means an individual who is qualified to vote and is:

- a member of the active or reserve components of the army, marine corps, navy, air force, space force, or coast guard of the United States who is on active duty;
- a member of the merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States;
- a member of the national guard or state militia in activated status; or
- a spouse or dependent of a member referred to in this subsection.

Montana law has been interpreted to include U.S. citizens who have never resided in Montana but have a parent that was last eligible to vote in Montana, so long as they have not registered or voted in another state.

## MONTANA'S UOCAVA VOTERS

During the 2024 general election there were 5,678 registered Montana UOCAVA voters – 0.71% of Montana’s registered voters overall. The attached spreadsheet shows the number of Montana UOCAVA voters for the federal elections from 2004 to 2024. The graph below shows changes in the makeup of Montana’s UOCAVA voters over the same period.



## UOCAVA VOTERS IN MONTANA 2004-2024

	2004	2006	2008	2010	2012	2014	2016	2018	2020	2022	2024
<b>Total MT Registered Voters</b>	638,474	649,436	668,085	651,335	681,608	674,264	694,370	711,844	752,538	762,959	799,849
<b>Total MT UOCAVA Registered Voters</b>	4,721	2,813	5,385	3,791	6,571	1,792	4,979	3,398	5,110	2,737	5,678
<b>Total MT UOCAVA Registered Voters as % of Total MT Registered Voters</b>	0.74%	0.43%	0.81%	0.58%	0.96%	0.27%	0.72%	0.48%	0.68%	0.36%	0.71%
<b>Uniformed Services Members</b>	not available	2,374	4,175	2,880	4,677	1,186	3,053	1,888	2,549	1,192	2,124
<b>Uniformed Services Members as % of Total MT UOCAVA Voters</b>	not available	84.4%	77.5%	76.0%	71.2%	66.2%	61.3%	55.6%	49.9%	43.6%	37.4%
<b>Overseas Citizens</b>	not available	436	1,210	911	1,894	606	1,926	1,510	2,561	1,545	3,554
<b>Overseas Citizens as % of Total MT UOCAVA Voters</b>	not available	15.6%	22.5%	24.0%	28.8%	33.8%	38.7%	44.4%	50.1%	56.4%	62.6%
<b>Total UOCAVA Ballots Transmitted</b>	4,721	2,813	5,385	3,791	6,571	1,792	3,053	3,573	4,944	2,741	5,452
<b>Total UOCAVA Ballots Returned</b>	3,490	1,093	3,638	1,535	4,532	1,180	2,511	2,914	4,323	1,790	4,239
<b>Total UOCAVA Ballots Return/Turnout Rate</b>	73.9%	38.9%	67.5%	40.5%	68.9%	65.8%	82.3%	81.6%	87.4%	65.3%	77.8%
<b>Total UOCAVA Ballots Accepted/Counted</b>	not available	975	3,391	1,477	4,499	1,173	2,490	2,685	4,312	1,768	4,169
<b>Total UOCAVA Ballot Acceptance Rate</b>	not available	89.20%	93.2%	96.2%	99.3%	99.4%	99.2%	92.1%	99.7%	98.8%	98.3%

### NOTES ABOUT TABLE

All data is for the federal general elections

All data pulled from the EAVS and UOCAVA reports prepared by the EAC and the MT SOS Voter Turnout Report

2018 report shows a higher number of ballots transmitted than registered UOCAVA voters (in red on table)

EAC started collecting data on UOCAVA in 2004; 2004 report does not include level of detail that subsequent reports do