

# Colorado Department of State

## Quick Reference Guide

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## UOCAVA

### What is UOCAVA?

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is a federal law that was passed to ensure that military and overseas electors are able to register and vote in federal elections (online at: [www.justice.gov/crt/military/uocava\\_statute.htm](http://www.justice.gov/crt/military/uocava_statute.htm)).

The federal law has been amended several times, most recently by the Military and Overseas Voter Empowerment (MOVE) Act of 2009 (online at: [www.justice.gov/crt/about/vot/misc/MOVE\\_Act.pdf](http://www.justice.gov/crt/about/vot/misc/MOVE_Act.pdf)). The MOVE Act expanded the minimum federal requirements for voter registration and ballot transmission to military and overseas electors.

Colorado law has adopted the minimum federal requirements and extended the protections for military and overseas electors to all federal, state, and local elections. The Uniform Military and Overseas Voters Act (UMOVA) of 2011 is a recent amendment that enacted significant changes to state law concerning military and overseas electors. Among other things, UMOVA extended the email and late return provisions to all military and overseas electors.

[42 USC 1973ff; Article 8.3 of Title 1, C.R.S.]

### Who is eligible to vote under UOCAVA?

#### Military electors:

- All branches of the uniformed services and their spouses and/or dependents who are absent from the state because of a service member's active duty
- Active and reserve components of the Army, Navy, Air Force, Marines, and Coast Guard, active components of the National Guard, as well as the Merchant Marines
- Commissioned corps of the National Oceanic and Atmospheric Administration and the U.S. Public Health Service

#### Overseas electors:

- U.S. citizens who are living overseas, and whose last residence before leaving the country was in Colorado

- U. S. citizens who were born outside the U. S. whose parent or legal guardian is eligible to register and vote in Colorado

Military and overseas voters may vote in all federal, state, and local elections.

[Sections 1-8.3-102 and 1-8.3-103, C.R.S.]

### Registration and ballot application

Military and overseas electors may register to vote and apply for a ballot:

- Online at [www.GoVoteColorado.com](http://www.GoVoteColorado.com)
- Using any state voter registration or ballot application
- Using the Federal Postcard Application (FPCA)

The FPCA is a simultaneous registration and ballot request application, and must be submitted by the appropriate deadlines. It may be submitted in person, by mail, fax, or as a PDF attachment to an email.

Military personnel deployed in hostile fire zones may request a commissioned military officer to submit an unsigned FPCA on the serviceman's behalf. Please refer to section 1-8-103.3(2)(a), C.R.S., for more information.

A ballot application must be received no later than the 7th day before the election if the voter wants to receive the ballot by mail. An application for a fax or email ballot must be received by 5:00pm Mountain Time on the Friday before election day.

A ballot application, including FPCA, from a military or overseas elector is valid through the next General Election, unless he or she indicates otherwise. The elector may request permanent mail-in status or may ask for a ballot for a specific election.

[Sections 1-8.3-107, 1-8.3-108, and 1-8.3-109, C.R.S.]

### Identification Requirements

All military and overseas voters are exempt from providing a copy of their ID when they vote by mail. However, like any other Colorado elector they must

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submit a Colorado driver's license or ID card number; if they do not have either number, they must provide at least the last four digits of their social security number. If they do not have any of these numbers, they must state so. Any UOCAVA elector who votes in person is required to show ID at the polls.

[42 USC 1973ff, Section 1-8-113(3)(f), C.R.S.]

### **Emergency Registration**

A military elector who was deployed outside the U.S. and was discharged from active duty after the close of registration, may emergency register in the county clerk's office.

[Section 1-2-217.5(2)(e), C.R.S.]

### **Ballot Mailing Deadlines**

Ballots must be sent to all military and overseas electors no later than 45 days before the election. If the application for the ballot is received after the 45-day deadline, the ballot must be sent within 72 hours after the application is received.

[Section 1-8.3-110, C.R.S.]

### **Returning Voted Ballots**

Military and overseas electors may return ballots by mail, fax, or email. A voter who returns his or her ballot by fax or email must voluntarily waive his or her right to a secret ballot because the ballot must be duplicated.

In order to be counted, ballots must be mailed or electronically transmitted by 7:00pm Mountain Time on election day, and received by the close of business on the 8th day after the election.

A military or overseas voter may also submit a Federal Write-in Absentee Ballot (FWAB) if they do not believe they will be able to receive, vote, and return the state ballot in time to be counted. The voter may use the FWAB to cast a vote for all federal, state, and local races and issues he or she is eligible to vote for. The declaration accompanying the submission of a FWAB may also be used to register or apply for a ballot subject to the registration and ballot request deadlines.

[Sections 1-8.3-111, 1-8.3-112, and 1-8.3-113, C.R.S.]

### **Logs and Data**

Counties must maintain logs of ballots that are transmitted electronically. In addition, all military and overseas electors should be properly tracked in SCORE to ensure accurate and timely reporting.

Email addresses provided by military and overseas electors are not considered public and may only be used for purpose of communicating about elections and voting.

[Section 1-8.3-115, C.R.S.]

### **Questions?**

Contact the Elections Division Customer Support Unit at 888-271-2007 or [score.customersupport@sos.state.co.us](mailto:score.customersupport@sos.state.co.us)