

## LAW REVIEW<sup>1</sup> 26006

February 2026

### Military Absentee Voting in 2026.

By Captain Samuel F. Wright, JAGC, USN (Ret.)<sup>2</sup>

**7.1—Election officials must get the absentee ballots out in time for service members to vote.**

**7.2—Service member or military spouse voting and domicile.**

**7.4—How a service member or military spouse can vote.**

**Q: I am a Seaman Apprentice (E-2) in the United States Navy, and I want to vote by absentee ballot back home because my mother is a candidate for the United States House of Representatives in the**

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<sup>1</sup> I invite the reader's attention to [www.roa.org/lawcenter](http://www.roa.org/lawcenter). You will find more than 2,300 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses' Protection Act (USFSPA), the title 38 chapters that provide for veterans' benefits administered by the Department of Veterans Affairs (VA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

<sup>2</sup> BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 45 years, I have collaborated with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the Federal reemployment statute) for 38 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as -an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at <mailto:swright@roa.org>

**district that includes our family home and because I am interested in the selection of the leaders of our Federal Government, my home state, and my hometown. I have read that President Trump is opposed to voting by mail. It is most unlikely that I will be able to get leave from the Navy and travel to my hometown to vote in person on Election Day for the primary and then, later this year, for the general election. If I am to vote at all this year, it will have to be by absentee ballot. What gives?**

**A:** President Trump is concerned about the security of the voting process when individuals vote by mail, rather than in person in the presence of election officials and fellow voters. But President Trump also understands that members of the armed forces must vote by mail if they are to vote at all. I sent the President a letter on this topic. I have attached a copy of that letter to the end of this article. In his State of the Union Address, President Trump specifically stated that he wants to exempt military personnel and their spouses and dependents from his call to eliminate voting by mail.

**Q: I was only 17 when I left home to report to Navy basic training, and I celebrated my 18<sup>th</sup> birthday shortly after I graduated from basic training. I have never voted or registered to vote. Am I required to return home to register to vote in person before I can apply for an absentee ballot?**

**A:** No. Under a federal law called the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), you (as a member of the armed forces on active duty) have the right to use a single Federal Post Card Application (FPCA) as a **simultaneous voter registration application**

**and absentee ballot request.** This is section 20302(a)(4) of title 52 of the United States Code.<sup>3</sup>

**Q: How do I obtain a copy of the FPCA form?**

**A:** It is still possible to obtain a copy of the paper form, fill it out with a pen, and mail it to your local election official (LEO) back home. In the third decade of the 21<sup>st</sup> Century, a much better way to register to vote and request an absentee ballot is through the website of the U.S. Vote Foundation: <https://www.usvotefoundation.org>.<sup>4</sup> If you have questions about overseas or military voting, visit US Vote’s dedicated site: Overseas Vote: <https://www.overseasvotefoundation.org>.

**Q: Is the Federal Post Card Application (FPCA) a post card? I am concerned about putting my sensitive personal information, like my permanent home address and my Social Security Number, on a postcard. What gives?**

**A:** The FPCA was originally an actual form on cardstock paper, but that is no longer the case, and your private data is no longer visible in the post. The FPCA name is still used, but it is also called the “Registration / Ballot Request Form” because it functions as both, simultaneously, for overseas citizens and military voters. You can easily access and complete the form online, for example, using U.S. Vote Foundation’s service: <https://www.usvotefoundation.org/vote/request-overseas-absentee-ballot>.

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<sup>3</sup> 52 U.S.C. § 20302(a)(4).

<sup>4</sup> Susan: What is the preferred website address? Please help me with the wording of this section.

For states that allow it, U.S. Vote Foundation facilitates users to sign, print and email the completed form directly to your local election office through their system. This makes the process quick and easy for you. Not printing or posting. See more:

<https://www.usvotefoundation.org/photo-sign-email-absentee-ballot-request-online>.

**Q: When can I submit my completed FPCA to the LEO? Is it too early now, in February 2026, to request an absentee ballot for the 2026 general election in November?**

**A:** No, it is not too early. UOCAVA contains the following provision:

A State may not refuse to accept or to process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 20301 of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.<sup>5</sup>

Because calendar year 2026 has begun, it is not too early for you to apply for your absentee ballot for the 2026 general election.

**Q: Is it possible for me to use a single FPCA form to apply for an absentee ballot for the 2026 primary and also the general election?**

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<sup>5</sup> 52 U.S.C. § 20306.

For most states, yes. U.S. Vote Foundation has even integrated into their FPCA wizard the option to request ballots for the entire election year. If you choose to, that will be printed on your FPCA form. But state laws can greatly vary. If you are at all concerned, you can look up and email or call your local election official (LEO) to be sure you are on the voting roll and will receive your ballot. To look up your LEO, go to the U.S. Vote Foundation's Election Official Directory at:

<https://www.usvotefoundation.org/election-offices>.

**Q: I am currently serving on active duty at a Navy base in Texas, and I am confident that I will receive my absentee ballot for the 2026 primary in time to mark and return the ballot by Election Day. This fall, when I need to receive and return my ballot for the general election, I will likely be serving on a Navy ship, and the ship may be deployed to the Indian Ocean or some other distant place by then. I am informed that it is not possible for a ship at sea to receive and transmit mail every day and that mail service to ships can be slow and intermittent. If I do not receive my regular absentee ballot in time to mark it and return it to the LEO by Election Day, is there an alternative way for me to vote in the general election?**

**A:** Yes. In this circumstance, you can obtain the Federal Write-in Absentee Ballot (FWAB) and use that ballot to vote for Federal offices (President, United States Senator, and United States Representative). You mark the ballot by writing in the name of your preferred candidates for each Federal office. If you do not know the names, you can vote by expressing a party preference (Republican, Democratic, Green Party, etc.) for each Federal office.

UOCAVA provides as follows concerning the FWAB:

The Presidential designee [the Director of the Federal Voting Assistance Program in the Department of War] shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and a mailing envelope for such ballot) for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters *who make timely application for, and do not receive, State absentee ballots.*<sup>6</sup>

UOCAVA further provides:

Each State shall-- ... permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 20303 of this title) in general elections for Federal office.<sup>7</sup>

**Q: How do I obtain a copy of the Federal write-in absentee ballot?**

**A:** You can obtain a copy of the FWAB and mark and submit that ballot through the website of U.S. Vote Foundation, just as you obtained the FPCA and submitted your absentee ballot application.

Before you complete and submit the FWAB, I suggest that you first contact your local election official on-line, to determine if your regular absentee ballot has been sent or can be resent. It may be possible for you to print your ballot (including State as well as Federal offices and including the names of the candidates) and mark and submit that

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<sup>6</sup> 52 U.S.C. § 20303(a)(1) (emphasis supplied).

<sup>7</sup> 52 U.S.C. § 20302(a)(3).

ballot. The FWAB is better than nothing, but it is at best an imperfect substitute for your regular ballot.

**Q: The Federal Write-in Absentee Ballot is better than nothing, but I really want to vote for State and local offices as well as Federal offices, and it would be great to vote on a ballot that includes the names of the candidates. Let us assume that on 10/19/2026, 15 days before the general election on 11/3/2026, I still have not received my regular absentee ballot, so on that date I mark and submit the Federal write-in absentee ballot. The very next day, 10/20/2026, I receive my regular absentee ballot in the mail. Under these circumstances, am I permitted to mark and return the regular absentee ballot?**

**A: Yes.** If your local election office receives your regular absentee ballot by the State deadline, which is usually Election Day, the election official's responsibility is to count your regular absentee ballot and set aside and not count your Federal write-in absentee ballot. If your regular absentee ballot arrives after the State deadline, the official should count your Federal write-in absentee ballot.

**Q: My older brother is on active duty in the Army. In 2024, he did not apply for an absentee ballot, but in early October he completed and submitted the Federal write-in absentee ballot to vote for our mother for the United States House of Representatives. Our County Clerk refused to count my brother's Federal write-in absentee ballot. What gives?**

**A:** Under Federal law (UOCAVA), the Federal write-in absentee ballot is only to be used by the military or overseas voter *who has made a timely application for the State absentee ballot but did not receive it on*

*time to vote.* The County Clerk's rejection of your brother's Federal write-in absentee ballot under these circumstances was correct under Federal law.

### **Follow the instructions!**

**When you receive your unmarked absentee ballot from your election official back home, you will also receive printed instructions as to how you are to mark and return the ballot. It is important that you read, understand, and follow the instructions carefully to ensure that your ballot will be counted.**

**Q: I am currently serving on active duty at a Navy base in Texas, and Texas is one of nine States that have no State income tax. Many of my colleagues at this base have changed their legal residences to Texas to avoid having to pay State income tax to their original home States.**

**Is it possible for me to change my legal residence to Texas for State income tax purposes and still vote by absentee ballot in my original home State?**

**A: No.** You have one and only one domicile (legal residence). You are eligible to vote only in the place that constitutes your domicile. You cannot simultaneously be a domiciliary of Texas for State income tax purposes and a domiciliary of your original home State for voting purposes. You cannot have it both ways.

Maryland’s high court has held: “Evidence that a person registered to vote or voted is admissible and ordinarily persuasive when the question of domicile is at issue.”<sup>8</sup>

## **Join the Organization That Fights for You**

This article is one of more than 2,300 "Law Review" articles available at [www.roa.org/lawcenter](http://www.roa.org/lawcenter)— a free legal resource that the Reserve Organization of America (ROA) has built and maintained since 1997, adding new articles every month.

ROA is the only national military organization dedicated exclusively to America's reserve components — all eight of them. From the 6,179 members of the Coast Guard Reserve to the 329,705 soldiers of the Army National Guard, ROA exists to serve the nearly 773,000 men and women who answer the call while maintaining civilian lives. No other organization does what we do, for the people we serve.

Our roots run deep. On October 2, 1922, veterans of the Great War gathered at Washington's historic Willard Hotel — at the invitation of General of the Armies John J. Pershing — to build something lasting. One of the junior officers in that room was Captain Harry S. Truman, who, as President, signed ROA's congressional charter in 1950. That charter gives us a clear mission: advocate for policies that ensure adequate national security. For more than a century, we've made the case that America's Reserve Components and National Guard are among the most cost-effective pillars of our national defense.

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<sup>8</sup> *Comptroller of the Treasury v. Lenderking*, 303 A.2d 402, 405 (Md. 1973). See also *Suglove v. Oklahoma Tax Commission*, 605 P.2d 1315 (Okla. 1979). See generally *Law Review* 21073 (November 2021).

Beyond this library of legal resources, ROA files amicus curiae ("friend of the court") briefs in the Supreme Court and federal courts, and actively educates service members, military spouses, attorneys, employers, legislators, and others about the legal rights of those who serve — and how to enforce them. We provide this information to all service members, regardless of membership. But it's ROA members — through their dues and contributions — who make it possible.

Your membership makes the mission possible.

If you are currently serving, or have ever served, in any of America's eight uniformed services, you are eligible to join ROA — and membership starts at just \$20 for a full year, or \$450 for life. Officers and enlisted personnel alike qualify, whether your service was in the Active Component, the National Guard, or the Reserve. ROA has also recently expanded eligibility to include ancestors and lineal descendants of past or present service members, so families can stand with those who serve.

Join online at [roa.org/memberoptions](https://roa.org/memberoptions) or call 800-809-9448.

If you are not eligible for membership but believe in this mission, your financial contribution directly funds this resource and the advocacy work that protects those who serve. Donations may be mailed to:

Reserve Organization of America  
1 Constitution Ave. NE  
Washington, DC 20002

**Here is a copy of the letter that I sent to President Trump:**

**Samuel F. Wright**  
**Captain, JAGC, USN (Ret.)**  
[Samwright50@yahoo.com](mailto:Samwright50@yahoo.com)

February 2, 2026

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave. NW  
Washington, DC 20500

Re: Please exempt military personnel from the elimination of the vote-by-mail option.

Dear Mr. President:

I am informed that you are opposed to allowing voters generally to vote by mail, because of concern about the security of voting outside the presence and scrutiny of election officials and poll watchers. Please understand that U.S. military personnel, whether serving in the United States or overseas, will need to be exempted from the elimination of the vote-by-mail option. Military personnel on active duty need to vote by absentee ballot if they are to vote at all.

In a 1952 letter to Congress, during the Korean War, President Harry S. Truman wrote:

About 2,500,000 men and women in the Armed Forces are of voting age at the present time. Many of those in uniform are

serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women, who are serving their country and in many cases risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.

President Harry S. Truman, Message to Congress, Special Committee on Service Voting of the American Political Science Association, March 28, 1952 (available at <https://www.trumanlibrary.gov/library/public-papers/96/letter-secretary-defense-voting-servicemen>).

I am sure that you will agree that President Truman's words are as true today as they were 74 years ago. Please ensure that members of the armed forces continue to have the opportunity to vote without physically returning home and that the nation's 7,900 local election officials get the absentee ballots out in time for service members to cast ballots that really do get counted, no matter where the service of our country has taken them.

Very respectfully,

Samuel F. Wright