

LAW REVIEW¹ 26039

August 2026

Vote in the 2026 Mid-Term Election, and Make Sure that your Vote Is Counted. Vote to Honor those who Have Served in the Armed Forces.

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

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.

¹ I invite the reader's attention to [Law Center | ROA](#). 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.

² 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. I have dealt with USERRA and the Veterans' Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for 44 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 largely drafted the proposed VRRA 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 VRRA 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. As of 5/1/2026, I have come out of retirement and have affiliated with Maher Legal Services in an "of counsel" role. You can reach me by e-mail at samuel@maherlegalservices.com or by telephone at (708) 468-8155.

It is most important that you vote in the 2026 mid-term election for the United States Senate, the United States House of Representatives, and many State and local offices. It is also important that you take care to ensure that your vote counts. This applies to 18-year-old Army privates at basic training and to 88-year-old retired colonels in assisted living facilities, and to everyone in between.

I invite your attention to the website of U.S. Vote Foundation:

<https://www.usvotefoundation.org>

This website has all the information that you need to register to vote and to vote, in person or by mail, both within and outside the United States of America. More importantly, you can find lots of useful information and technology to assist you in casting a ballot, in person or by absentee process, and to ensure that the ballot really will be counted.

In addition, I call your attention to the Vote in Honor of a Veteran program on US.VOTE, an initiative of U.S. Vote Foundation.

<https://www.us.vote/honor-veteran>

On this site, you can place an announcement that you are voting this year to honor a specific American, perhaps a relative, who is serving or has served our country in uniform.

If you are on active duty in the uniformed services of the United States, or if you are the voting-age spouse or dependent of an active-duty

service member and are away from your home accompanying your spouse or parent, or if you are of voting age and a U.S. citizen outside our country, you are eligible to register to vote by absentee process and to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). This applies to service members and their accompanying family members who are within or outside the United States.

You are also eligible to vote by absentee ballot under UOCAVA if you are outside the United States temporarily or permanently. I can think of two ROA life members who are retired Coast Guard officers and who live outside our country for most or all of each year. They are eligible to vote under UOCAVA as overseas citizens, not as members of the uniformed services.

If you are eligible to vote under UOCAVA, please see our Law Review 26006 (February 2026). We are reprinting that article here.

If you are not eligible to vote under UOCAVA, you can still find all the information you need to register to vote and to vote by absentee ballot on the U.S. Vote Foundation website.

If you have not already applied for your absentee ballot for the 2026 general election, you should do so now. Federal law (UOCAVA) requires each State to have absentee ballots printed and ready to transmit, and to transmit them, not later than the 45th day before any general, primary, runoff, or special election for federal office.³

³ See 52 U.S.C. § 20302(A)(8). This deadline applies to UOCAVA voters, including active duty service members and their voting-age spouses and dependents who are accompanying them, both within and outside the United States.

The 2026 mid-term general election will be held on Tuesday, 11/3/2026. The 45th day before Election Day is 9/19/2026. It is important that your local election official have your completed absentee ballot application in-hand by Saturday, 9/19/2026, so that your ballot can be transmitted to you on that date. A lot of people have spent a lot of time and money, over many years, working to ensure that absentee ballots go out in a timely manner so that military personnel will have the opportunity to cast ballots that really do get counted. All of that time and money is wasted if you wait until shortly before Election Day to apply for your absentee ballot.

Here is the reprint of our Law Review 26006:

LAW REVIEW⁴ 26006
February 2026
Military Absentee Voting in 2026.
By Captain Samuel F. Wright, JAGC, USN (Ret.)⁵

⁴ I invite the reader's attention to [Law Center | ROA](#). 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.

⁵ 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 (VRRA—the 1940 version of the Federal reemployment statute) for 38 years. I developed the interest and expertise in

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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 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

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 swright@roa.org.

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. 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 18th 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.⁶

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 21st Century, a much better way to register to vote and request an absentee ballot is through the website of the

⁶ 52 U.S.C. § 20302(a)(4).

U.S. Vote Foundation: <https://www.usvotefoundation.org>.⁷ 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>.

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:

⁷ Susan: What is the preferred website address? Please help me with the wording of this section.

<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.⁸

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?

⁸ 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 Defense] 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.*⁹

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.¹⁰

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.

⁹ 52 U.S.C. § 20303(a)(1) (emphasis supplied).

¹⁰ 52 U.S.C. § 20302(a)(3).

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 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.”¹¹

End of the reprint of Law Review 26006.

Q: Am I required to register to vote before voting in person on Election Day or during the early voting period?

A: In most states, yes. You can register to vote or check on the status of your voter registration on the United States Vote Foundation website.

Q: Where can I find a lawyer or law firm that fully understands laws like the Servicemembers Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Uniform Code of Military Justice (UCMJ), and other laws that are especially pertinent to those who serve our country in uniform?

A: As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. This firm has a great team,

¹¹ *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).

headed by attorneys John Maher and Kevin Mikolashek, both of whom have served as Army judge advocates for many years. These attorneys and this firm have a great record, and I am proud to join their team.

Here is a link to the Maher Legal Services website:

<https://www.lawyersdefendingwarriors.com/about>.

Join the Organization That Fights for You.

This article is one of more than 2,000 "Law Review" articles available at [Law Center | ROA](#)— 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.

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 [Reserve Organization of America - ROA](#) 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
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Washington, DC 20002