

REPORT:

MILITARY VOTING IN ALL 50 STATES



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OCTOBER 2020

EXECUTIVE SUMMARY

- **The vast majority of uniformed service members voting away from home send their ballots by mail**—79% in the 2018 general election. Federal law provides special voting protections for service members stationed away from home, their families, and citizens living abroad. These voters are eligible to receive absentee ballots at least 45 days before federal elections. But while there are strong federal standards around ballot transmission, every state has different requirements and deadlines for ballot return.
- **28 states and the District of Columbia accept and count ballots from overseas service members that arrive after Election Day** if they are sent before polls close. The amount of time states allow for these ballots to arrive varies from two days, in South Carolina, to 20 days, in Washington.
- **Ballots coming from overseas can take longer to arrive in the United States:** the Military Postal Service Agency estimated the average transit time, this year, will be six days. By our analysis, 23 states and the District of Columbia will allow enough time for the average military ballot to travel and arrive before the deadline if sent by Election Day.
- **Overseas votes can have substantial electoral implications.** More than 70% of the available votes in the Electoral College will come from states counting overseas military ballots after Election Day. The states that accept ballots arriving a week after Election Day, or later, still account for a majority of the electoral votes.
- **Service members have voted in large numbers by absentee ballot since the Civil War**, and some members of the military voted absentee as early as the War of 1812.

Service members away from home predominately mail their ballots

The citizen's right to vote transcends the borders of the United States. Active-duty service members stationed away from home, their families, and other U.S. citizens living overseas are subject to federal laws that protect their ability to register and vote in federal elections.

About three-quarters of the 1.3 million active-duty military members are covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986, which affords them the right to vote absentee in federal elections with special protections.¹ Most states have additional laws that extend these rights to state and local elections.²

Those protections stem from a difficult reality: voting is often more complicated for service members. Stationed around the world, active-duty troops face hurdles like frequent moves and long mailing times, which can make participation in our elections more challenging. In 2009, a report by the Pew Center on the States found that half of all states needed to make significant improvements to the absentee voting process so that military voters could obtain and return a ballot in time.³ The Military and Overseas Voter Empowerment Act (MOVE), enacted that year, helped mitigate these issues by amending UOCAVA and other federal statutes to bolster the protections available to UOCAVA voters.⁴ According to the Federal Voting Assistance Program (FVAP), among other provisions, the MOVE Act requires states to:⁵

- **Transmit ballots at least 45 days before federal elections**
- **Offer at least one method of electronic transmission (email, fax, online portal, etc.) of voting information and blank ballots**
- **Transmit ballots automatically within the calendar year of the ballot request**

These two federal laws help to create streamlined standards for voter registration and ballot transmission available to service members abroad. As a result, the voting process for UOCAVA voters varies widely from the one available to civilians living in the United States.

First, UOCAVA voters can register to vote and request an absentee ballot with the Federal Post Card Application (FPCA). Even though the availability and acceptance of the FPCA is standardized at the federal level, each state has different deadlines

¹ Federal Voting Assistance Program (FVAP), "[State of the Military Voter.](#)"

² United States Department of Justice, "[The Uniformed and Overseas Citizens Absentee Voting Act.](#)"

³ Pew Charitable Trusts, "[No Time to Vote: Challenges Facing America's Overseas Military Voters.](#)" January 2009.

⁴ FVAP, "[The Uniformed and Overseas Citizens Absentee Voting Act Overview.](#)"

⁵ FVAP, "[State of the Military Voter.](#)"

for voter registration, so it is up to the voter to stay apprised of their state's requirements to ensure their registration is up to date. In accordance with the UOCAVA and MOVE Acts, states automatically begin transmitting general election ballots to registered UOCAVA voters at least 45 days before Election Day, though states can continue to send ballots to voters who register and request their ballot after this date. Next, voters are to fill out and return their ballots, or vote using a backup Federal Write-In Absentee Ballot (FWAB) if there is not enough time to receive and send back their ballot by the election. If the voter's official absentee ballot arrives after sending in the FWAB, voters are advised to complete and return the official ballot, as well; only one ballot will be counted.⁶

More than 252,000 uniformed service members stationed away from home, and members of their families, voted in the 2016 general election, generally by absentee ballot or by FWAB⁷. Turnout for this year's presidential election could very well be high, with hundreds of thousands of military ballots arriving by mail: in the 2018 general election, 79% of voting uniformed service members mailed their ballots back, compared to 61% of overseas civilians.⁸

A majority of states accept overseas military ballots arriving after Election Day

While there are strong federal requirements on how and when absentee ballots are sent to service members stationed away from home, the standards governing their return are almost totally left to the states, which have broad authority to conduct elections in the manner of their choosing. As a result, UOCAVA ballot return procedures exist in a patchwork across the country. Each state has its own standards and deadlines, and service members stationed at the same installation may face radically different requirements depending on their home state's laws.

At the basest level, there are two major deadlines for mailed UOCAVA ballots: the date ballots must be sent—often assessed with a postmark or a voter affirmation—and the date the ballot must be received by the relevant election administrator to be counted. The distance between those deadlines represents the amount of time states allow for ballots to travel. That grace period is likely to be important: Peter Graeve, the chief of plans and policy for the Military Postal Service Agency, assessed the average transit time for overseas ballots, this year, to be six days.⁹ Additionally, FVAP has warned that

⁶ FVAP, "[Election Forms and Tools for Sending.](#)"

⁷ US Elections Assistance Commission (EAC), "[The Election Administration and Voting Survey: 2016 Comprehensive Report,](#)" pg. 145

⁸ US EAC, "[Election Administration and Voting Survey: 2018 Comprehensive Report,](#)" pg. 98, June 2019.

⁹ *The Washington Post*, "[Hundreds of thousands of U.S. troops usually cast ballots by mail. This year could be more complicated, Pentagon office says,](#)" August 22, 2020.

in the face of COVID-19 and “[d]ue to international airport interruptions, many military and overseas voters will face greater-than-normal challenges with returning mail back to the United States in a timely fashion.”¹⁰

In designing their elections, however, most states factor in these challenges. As visualized in the chart below, **28 states and the District of Columbia accept ballots mailed from service members overseas that arrive after Election Day if they are sent before the close of polls.**

How late those ballots will be accepted varies: at the low end, South Carolina will count mailed absentee ballots from service members abroad if they are sent before the close of polls and received by 7:00 PM on the second day after the election. Washington, on the other hand, will count ballots so long as they arrive by November 23, a full 20 days after the election. A total of 20 states and the District of Columbia count ballots arriving up to a week after Election Day or later. In at least two states, New York and Texas, ballots from service members stationed away from home are accepted even after the receipt deadline for ballots from overseas civilians.¹¹

Chart: Deadlines for military ballots by state

State	Military ballot sent deadline	Military ballot receipt deadline	Allowable transit time	Electoral College votes
Alabama	Postmarked Nov. 3	Nov. 10 (+7)	7 days	9
Alaska	Postmarked Nov. 3	Outside the US - Nov. 18 (+15), within the US - Nov. 13 (+10)	15 days	3
Arizona	-	Nov. 3 (+0)	-	11
Arkansas	Postmarked Nov. 3	Nov. 13 (+10)	10 days	6
California	Postmarked Nov. 3	Nov. 20 (+17)	17 days	55

¹⁰Federal Voting Assistance Program, “[COVID-19 Updates](#).”

¹¹In New York, the receipt deadline for overseas military ballots (November 18) is two days later than the deadline for overseas civilian ballots (November 16), according to the [State Board of Elections website](#). Overseas military ballots have one more day to arrive in Texas than ballots from civilians voting from abroad—six days after the election to five days—a [Secretary of State resource](#) notes. Additionally, as depicted in the table, the state of Alaska provides more time for military ballots arriving from abroad than those arriving from within the United States.

State	Military ballot sent deadline	Military ballot receipt deadline	Allowable transit time	Electoral College votes
Colorado	Sent Nov. 3	Nov. 11 (+8)	8 days	9
Connecticut	-	Nov. 3 (+0)	-	7
Delaware	-	Nov. 3 (+0)	-	3
District of Columbia	Postmarked Nov. 3	Nov. 13 (+10)	10 days	3
Florida	Postmarked Nov. 3	Nov. 13 (+10)	10 days	29
Georgia	Postmarked Nov. 3	Nov. 6 (+3)	3 days	16
Hawaii	-	Nov. 3 (+0)	-	4
Idaho	-	Nov. 3 (+0)	-	4
Illinois	Postmarked Nov. 3	Nov. 17 (+14)	14 days	20
Indiana	Postmarked Nov. 3	Nov. 13 (+10)	10 days	11
Iowa	Postmarked Nov. 2 (-1)	Nov. 9, at 12 PM (+6)	7 days	6
Kansas	-	Nov. 3 (+0)	-	6
Kentucky	-	Nov. 3 (+0)	-	8
Louisiana	-	Nov. 3 (+0)	-	8
Maine	-	Nov. 3 (+0)	-	4
Maryland	Postmarked Nov. 3	Nov. 13 at 10 AM (+10)	10 days	10
Massachusetts	Postmarked Nov. 3	Nov. 13 (+10)	10 days	11
Michigan	Postmarked Nov. 2 (-1)	Nov. 3 (+0)* (potential appeal)	1 day	16
Minnesota	Postmarked Nov. 3	Nov. 10 (+7)	7 days	10
Mississippi	Postmarked Nov. 3	Nov. 10 (+7)	7 days	6
Missouri	Postmarked Nov. 3	Nov. 6 by 12 PM CST (+3)	3 days	10

State	Military ballot sent deadline	Military ballot receipt deadline	Allowable transit time	Electoral College votes
Montana	-	Nov. 3 (+0)	-	3
Nebraska	-	Nov. 3 (+0)	-	5
Nevada	Postmarked Nov. 3	Nov. 10 (+7)	7 days	6
New Hampshire	-	Nov. 3 (+0)	-	4
New Jersey	Postmarked Nov. 3	Nov. 3 (+0)	-	14
New Mexico	-	Nov. 3 (+0)	-	5
New York	Postmarked Nov. 3	Nov. 18 (+15)	15 days	29
North Carolina	Transmitted by 12:01 AM, Nov. 3	Nov. 12 (+9)	10 days	15
North Dakota	Postmarked Nov. 2 (-1)	Nov. 9 (+6)	7 days	3
Ohio	Submitted for mailing by 12:01 AM, Nov. 3	Nov. 13 (+10)	11 days	18
Oklahoma	-	Nov. 3 (+0)	-	7
Oregon	-	Nov. 3 (+0)	-	7
Pennsylvania	Signed by Nov. 2 (-1)	Nov. 10 (+7)	8 days	20
Rhode Island	-	Nov. 10 (+7)	7 days	4
South Carolina	Mailed Nov. 3	Nov. 5 (+2)	2 days	9
South Dakota	-	Nov. 3 (+0)	-	3
Tennessee	-	Nov. 3 (+0)	-	11
Texas	Mailed Nov. 3	Nov. 9 (+6)	6 days	38
Utah	Postmarked Nov. 2 (-1)	Nov. 16 (+13)	14 days	6
Vermont	-	Nov. 2 (-1)	-	3

State	Military ballot sent deadline	Military ballot receipt deadline	Allowable transit time	Electoral College votes
Virginia	Postmarked Nov. 3	Nov. 6 by 12 PM (+3)	3 days	13
Washington	Signed and dated Nov. 3	Nov. 23 (+20)	20 days	12
West Virginia	-	Nov. 8 (+5)	5 days	5
Wisconsin	-	Nov. 3 (+0)	-	10
Wyoming	-	Nov. 3 (+0)	-	3

Additionally, as detailed in the above chart, **23 states and the District of Columbia provide a long enough grace period for overseas military voters who mail their ballots back by their state’s deadline, assuming average mailing times of six days.**

It bears noting that the six-day transit period is an estimate, however: the Federal Voting Assistance Program recommends service members mail their ballots back by October 5, if on a ship at sea, or by October 13, 2020, if stationed elsewhere outside the United States,¹² though the Military Postal Service has released additional guidance based on the voter’s specific location.¹³

The states accommodating military voters are a cross-section of America: red and blue; large and small; coastal and inland; Western, Northeastern, Southern, and Midwestern. States that accept and count military ballots arriving after Election Day are not even necessarily the ones with the most expansive absentee voting systems for domestic voters, either.¹⁴

Providing adequate transit time for properly cast ballots is vital, and can mean the difference between whether a vote is counted or not. In the 2018 general election, election administrators said that nearly 40% of rejected military ballots were not counted because they missed the state’s deadline.¹⁵

Ultimately, the ramifications of this reality are significant. In the majority of states, as depicted in the map below, military ballots that must be counted could still be in transit by the time the nation goes to sleep on Election Night.

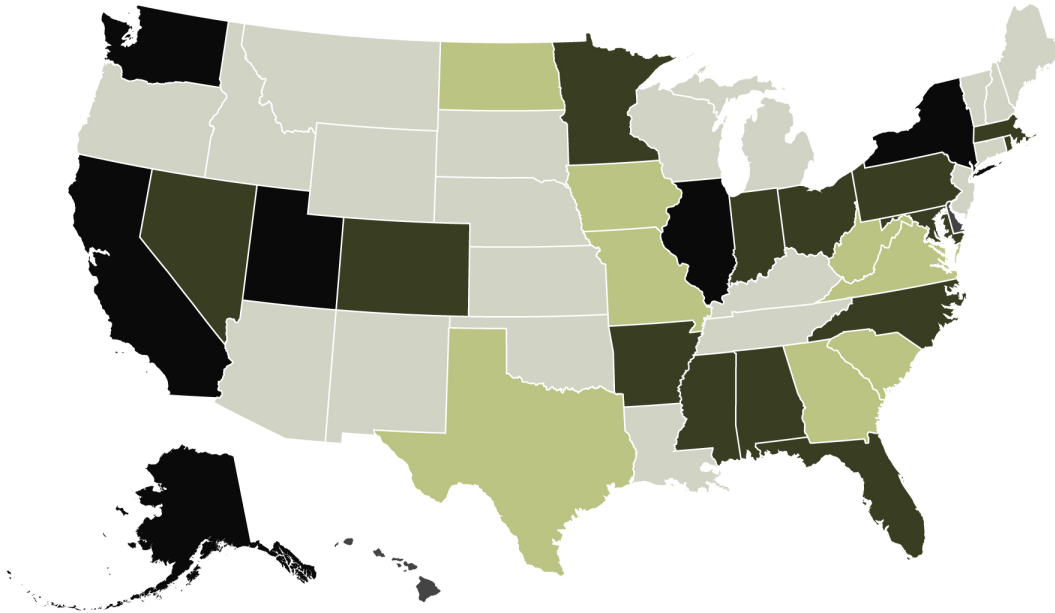
¹² Federal Voting Assistance Program, “[How to Vote Absentee in the Military.](#)”

¹³ Federal Voting Assistance Program, “[2020 Voting Plan Appendix D.](#)”

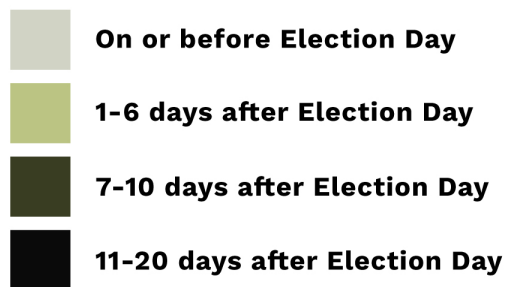
¹⁴ RepresentUs, “[How to Vote by Mail this November: A State-by-State Interactive Guide.](#)”

¹⁵ US EAC, “[Election Administration and Voting Survey: 2018 Comprehensive Report,](#)” pg. 99. June 2019.

Map: Ballot receipt deadlines for overseas service members, by state



Overseas Military BALLOT RECEIPT DEADLINE



Overseas ballots can have substantial electoral implications

Military and overseas ballots can decide elections at the highest level. There is, according to [reporting by](#) The New York Times, fairly substantial evidence that overseas ballots were essential to George W. Bush's 2000 victory in Florida, the state that propelled him to the presidency.¹⁶

Because ballots sent from abroad often take longer to arrive, they can prove decisive in close races, putting a presidential candidate over the top in a state that awards a hefty slate of electors.

With 538 electors in the Electoral College, a candidate typically needs at least 270 votes to win the presidency.¹⁷ By our analysis, **states that will count military ballots arriving after Election Day send 392 electors to the college, more than 70 percent of the available votes.** There is no way to fully finish the count in enough states to decide the election on November 3—these states may very well still have legal ballots in transit.

What's more, the majority of these states will continue to count ballots arriving from overseas more than a few days after the election. **The states that accept ballots mailed before the close of polls and arriving a week after Election Day, or later, account for 292 votes in the Electoral College,** a total still greater than the 50 percent plus one vote needed to capture the White House.¹⁸

Members of the military have voted absentee for hundreds of years

While every state now provides for absentee voting in some form, the practice of absentee voting largely starts with our service members. Members of the military have cast their ballots away from home for more than 200 years. According to the National Postal Museum, members of the military voted absentee as early as the War of 1812.¹⁹ Union troops in the Civil War were the first group in American history to vote absentee in significant numbers.²⁰

¹⁶ *The New York Times*, "[EXAMINING THE VOTE; How Bush Took Florida: Mining the Overseas Absentee Vote](#)," July 15, 2001.

¹⁷ Without throwing the election to the U.S. Congress, as established by the Twelfth Amendment to the United States Constitution.

¹⁸ RepresentUs, "[How to Vote by Mail this November: A State-by-State Interactive Guide](#)."

¹⁹ *The Washington Post*, "[Hundreds of thousands of U.S. troops usually cast ballots by mail. This year could be more complicated, Pentagon office says](#)," August 22, 2020.

²⁰ *NBC News*, "[How do you know voting by mail works? The U.S. military's done it since the Civil War](#)," April 19, 2020.

And even after the federal government and the states have made improvements to the voting procedures and protections available to service members away from home, challenges remain. In the 2018 general election, “nearly one-third of [military] non-voters wanted or tried to vote but were unable to do so,” FVAP reported.²¹

Our service members participate in American elections from wherever they are stationed, all across the world, through wartime and peace. The majority of their ballots will likely arrive by mail, often having traveled long distances to reach election administrators across the country. A majority of states, representing the vast majority of the Electoral College, will continue to accept and count these military ballots in the days after Election Night. In a global pandemic and amidst widespread uncertainty, these votes could make the difference.

²¹ FVAP, “[State of the Military Voter](#).”

Appendix: Resources and State-Specific Deadline Citations

For more information about the voting rights and processes available to uniformed service members stationed away from home, their family members, and Americans living overseas, along with relevant applications and documents, please review the Federal Voting Assistance Program's (FVAP) online resources at fvap.gov.

Where possible, ballot return deadlines and process information have been sourced from state websites, linked below. Where conclusive information was not available, FVAP state-specific pages have been linked.

Alabama: [Secretary of State](#)

Alaska: [Division of Elections](#)

Arizona: [Secretary of State](#), as [corroborated by FVAP](#)

Arkansas: [Secretary of State](#)

California: [Secretary of State](#)

Colorado: [Secretary of State](#)

Connecticut: [Secretary of State, Elections Calendar](#)

Delaware: [Department of Elections](#)

District of Columbia: [Board of Elections](#)

Florida: [Department of State](#)

Georgia: [Georgia.gov](#)

Hawaii: [Office of Elections](#)

Idaho: [Administration & Elections Office](#)

Illinois: [State Board of Elections](#)

Indiana: [Secretary of State](#)

Iowa: [Secretary of State](#)

Kansas: [FVAP](#)

Kentucky: [State Board of Elections](#)

Louisiana: [Secretary of State](#)

Maine: [Bureau of Corporations, Elections & Commissions](#)

Maryland: [State Board of Elections](#)

Massachusetts: [Secretary of the Commonwealth](#)

Michigan: [Department of State](#) – **UPDATE (October 20):** a panel of three Michigan Court of Appeals judges [overturned](#) a lower court's order requiring the state to count absent ballots post-marked before Election Day and received within two weeks (through November 17). UOCAVA voters do not appear to have been exempted from the decision.

Minnesota: [Secretary of State](#)

Mississippi: [Secretary of State](#)

Missouri: [Secretary of State](#)

Montana: [Secretary of State](#)

Nebraska: [FVAP](#)

Nevada: [Secretary of State](#)

New Hampshire: [FVAP](#)

New Jersey: [Department of State](#)

New Mexico: [Secretary of State](#)

New York: [State Board of Elections](#)

North Carolina: [State Board of Elections](#)

North Dakota: [Secretary of State](#)

Ohio: [Secretary of State](#)

Oklahoma: [FVAP](#)

Oregon: [Secretary of State](#)

Pennsylvania: [VotesPA](#)

Rhode Island: [Secretary of State, Elections Calendar](#)

South Carolina: [Election Commission](#)

South Dakota: [Secretary of State](#)

Tennessee: [Secretary of State](#)

Texas: [Secretary of State](#)

Utah: [FVAP](#)

Vermont: [Secretary of State](#)

Virginia: [Department of Elections](#)

Washington: [Secretary of State](#)

West Virginia: [Secretary of State](#)

Wisconsin: [Elections Commission](#)

Wyoming: [Secretary of State, as corroborated by FVAP](#)

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About Count Every Hero

Count Every Hero is a cross-partisan initiative to ensure all service members' votes are counted. The effort is co-chaired by retired admirals, generals, and secretaries from across the Services, and supported by veterans from across the aisle and around the country.

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