



PERSONNEL READINESS MANAGEMENT AGENCY
4800 MARK CENTER DRIVE, SUITE 06J25-01
ALEXANDRIA, VA 22350-4000

POLICY PAPER
ON
“NEVER-RESIDED” U.S. CITIZEN UOCAVA ELIGIBILITY
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- **Purpose.** To clarify never-resided U.S. citizen eligibility under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
- **Background.**
 - FVAP refers to U.S. citizens who are 18 years or older and were born abroad, but have never resided in the United States, as “never resided” citizens. These never-resided citizens may be eligible to vote by absentee ballot in the state where their parent or legal guardian was last domiciled. However, they are not UOCAVA eligible voters.
 - Twelve states have state laws that prohibit voting by citizens who have never resided in the state.
 - Under UOCAVA, an overseas non-military voter is defined as a person who resides outside the United States and is qualified to vote in the last place in which **the person was domiciled before leaving the United States**; or a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which **the person was domiciled before leaving the United States**.
- **Discussion.**
 - The plain language of the statute makes it clear that to be eligible to vote with UOCAVA privileges, the overseas civilian must have previously resided in the United States. Therefore, individuals who are US citizens, but who have never resided in the United States are not eligible to vote under UOCAVA provisions. These individuals do not qualify to receive privileges reserved for eligible UOCAVA voters.
 - If state laws specifically permit individuals to register and vote in the state, even if they have never resided in the state, those voters must do so under the standard state absentee ballot laws. They are ineligible to use the Federal Post Card Application (FPCA), Federal Write-In Absentee Ballot (FWAB) or to receive an electronic ballot and do not qualify for the UOCAVA 45-day early delivery of ballots.
 - Currently, some states have statutory or administrative language that is interpreted to permit all never-resided U.S. citizens to vote based, at a minimum, on their parent(s) or legal guardian(s)’ last residence in the United States.
 - Several states may have incorrectly interpreted UOCAVA to require them to allow never-resided citizens to vote--despite state law that prohibits voting by individuals who have never lived in the state. State election officials should immediately review and correct relevant guidance to reflect the federal requirements of UOCAVA. A US citizen who has never resided in the United States is not eligible for the voting protections under UOCAVA as they would not meet the criteria of having been domiciled in the state “before leaving

the United States.” FVAP does not advocate for or against the adoption of state laws that include never-resided provisions for state absentee voting; however, FVAP does have the responsibility to inform state election officials about UOCAVA eligibility requirements. States should refrain from granting voting privileges under UOCAVA to ineligible applicants.