

LAW REVIEW¹ 21020

March 2021

Military Voting in 2021

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[About Sam Wright](#)

7.0—Military voting rights

New Jersey and Virginia will conduct gubernatorial and state legislative elections in 2021.³ Albany (NY), Albuquerque (NM), Anchorage (AK), Atlanta (GA), Atlantic City (NJ), Birmingham (AL), Boston (MA), Buffalo (NY), Burlington (VT), Charlotte (NC), Cincinnati (OH), Cleveland (OH), Detroit (MI), Fort Worth (TX), Hoboken (NJ), Jackson (MS), Jersey City (NJ), Lansing (MI), Manchester (NH), Miami (FL), Minneapolis (MN), New Orleans (LA), New York (NY), Omaha (NE), Pittsburgh (PA), Rochester (NY), San Antonio (TX), Seattle (WA), and Syracuse (NY) will conduct mayoral elections this year.⁴ There will likely be special elections to fill vacancies in the United States House of Representatives and perhaps in the United States Senate.

The United States Coast Guard distributed the attached notice to Coast Guard personnel, to make them aware of the opportunity to vote in 2021 and to explain the necessary procedures. The Army, Navy, Marine Corps, Air Force, Space Force, Public Health Service commissioned corps, and National Oceanic & Atmospheric Administration commissioned corps should send out similar notices, if they have not already done so. Active-duty members of the uniformed

¹ I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2,000 "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 Spouse Protection Act (USFSPA), 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, 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.

² BA 1973 Northwestern University, JD 1976 University of Houston School of Law, LLM 1980 Georgetown University Law Center. 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 six years (June 2009 through May 2015), I was the Director of the Service Members Law Center (SMLC) as a full-time employee of ROA. Please see Law Review 20052 (June 2015) for a detailed discussion of the accomplishments of the SMLC. I have continued some of the work of the SMLC as a volunteer and ROA member. You can reach me by e-mail at SWright@roa.org.

³ https://en.wikipedia.org/wiki/2021_United_States_elections.

⁴ Id.

services and their accompanying voting-age spouses and dependents are eligible to vote in these elections by absentee ballot.⁵

To vote this year, or in any year, the first step is to ascertain *where are you domiciled? What state is your legal residence?* Remember that you have one domicile for all legal purposes. You cannot be a Floridian⁶ for tax purposes and a Nebraskan (or a domiciliary of some other state) for voting purposes. If you register to vote or vote in the state where you physically reside, to be close to your place of military duty, you will thereby become a domiciliary of that state and you will be required to pay state income tax and personal property tax in that state.⁷

Please join or support ROA

This article is one of 2,000-plus “Law Review” articles available at www.roa.org/lawcenter. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

ROA is almost a century old—it was established in 1922 by a group of veterans of “The Great War” as World War I was then known. One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide for adequate national security. For many decades, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation’s defense needs. Indeed, ROA is the *only* national military organization that exclusively supports America’s Reserve and National Guard.

Through these articles, and by other means, we have sought to educate service members, their spouses, and their attorneys about their legal rights and about how to exercise and enforce those rights. We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the cost of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation’s seven uniformed services, you are eligible for membership in ROA, and a one-year membership only costs \$20.00. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve. If you

⁵ If you are physically present at the place of your domicile, you should vote in person on Election Day or during the early voting period.

⁶ Florida is one of nine states that have no state income tax. The other eight states are Alaska, Nevada, New Hampshire, South Dakota, Tennessee, Texas, Washington, and Wyoming.

⁷ See Law Review 19078 (September 2019).

are eligible for ROA membership, please join. You can join on-line at www.roa.org or call ROA at 800-809-9448.

If you are not eligible to join, please contribute financially to help us continue and increase our support to those who serve. You can mail us a contribution to:

Reserve Organization of America
1 Constitution Avenue NE
Washington, DC 20002



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UNCLAS
ALCGPSC 004/21

SUBJ: 2021 VOTER REGISTRATION AND ABSENTEE BALLOT NOTIFICATION

A. Coast Guard Voting Assistance Program, COMDTINST 1742.3 (series)

1. The right of U.S. citizens to vote is protected by the U.S.

Constitution. Every voter must have the opportunity to register and vote, in person or by absentee, in any election for which he or she is eligible. To vote in U.S. elections, Coast Guard members and their eligible dependents must be registered in their state of legal residence.

2. 2021 is a federal voting off-year, however off-cycle special elections can be expected, and all eligible voters are encouraged to vote. If members or their voting eligible dependents do not expect to be present in their state of legal residence to vote, they may do so by using an absentee ballot.

3. Eligible voters who wish to register and vote absentee should do so by completing the Federal Post Card Application (FPCA). Please note that each state has their own deadlines for the receipt of absentee ballot requests and can be up to 21 days prior to the election.

4. The FPCA (SF-76) can be completed easily online at the Federal Voting Assistance Program (FVAP) website: <http://www.fvap.gov>.

The website has an automated assistant to help members complete, save, and print the FPCA. Additionally, they can print a pre-paid envelope template for submission by mail. The FPCA is postage-paid

within the U.S. Postal Service system, including APO and FPO addresses. Many states and territories allow return of FPCAs by fax.

Note: Each state or territory has specific instructions for completing and submitting to local election offices.

5. Per REF (A), commands should provide the FPCA to all assigned military personnel and their eligible family members by:

- a. Communicating the FPCA availability on the FVAP website to all members.
- b. Having Unit Voting Assistance Officers (UVAO) registered and trained with FVAP. Please see <https://www.fvap.gov/vao/overview> on how to be a UVAO.
- c. Providing FPCAs in hardcopy or electronic means to members.

COVID-19 has impacted FVAP's supply of printed forms and voting material. All documents should be downloaded off the website at:

<http://www.fvap.gov>.

6. For questions, please contact the Service Voting Action Officer, Ms. Keirsten Current at keirsten.e.current2@uscg.mil.

7. Released by RDML S. N. Gilreath, Commander, Personnel Service Center.

8. Internet release is authorized.



Questions for the Coast Guard?
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