



Numbered Memo 2025-01

TO: County Boards of Elections
FROM: Sam Hayes, Executive Director¹
RE: Changes to Voting for Military and Overseas Voters
DATE: July 21, 2025

This numbered memo provides guidance on certain changes to the legal requirements and processes for military and overseas voters, as well as the administrative procedures for counties processing absentee ballot requests and ballots from military and overseas voters.

1. Background

Military voters and citizens living abroad, referred to as “covered voters,” may register to vote and request a ballot through processes provided by a federal law known as the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 52 U.S.C. §§ 20301 – 20311. UOCAVA is implemented in state law through Article 21A of Chapter 163 of the General Statutes. In North Carolina, a “covered voter” is an individual who is qualified to vote and either (1) a member of the military, or a spouse or dependent of the member of the military; or (2) a citizen of the United States who is outside the United States.²

State law provides that covered voters can use what are known as the Federal Postcard Application (FPCA) or Federal Write-in Absentee Ballot (FWAB) for different parts of the voting process.³ The FPCA can be used to register and request a ballot, and the FWAB can be used to register to vote, request a ballot, and submit a ballot. The State Board’s

¹ This memo was approved by a vote of the State Board on July 21, 2025.

² N.C.G.S. § 163-258.2. North Carolina law does not require that a covered voter, when that voter is a member of the military or spouse or dependent, be located outside of the United States to use the processes in Article 21A for registering and voting. A military voter may use these voting procedures even if they are located in North Carolina.

³ N.C.G.S. § 163-258.6(a) and (b). The FPCA is available at <https://www.fvap.gov/uploads/FVAP/Forms/fpca.pdf>. The FWAB is available at <https://www.fvap.gov/uploads/FVAP/Forms/fwab.pdf>.

Military/Overseas Voter Services-Return Portal (“the Portal”) provides an electronic equivalent of the FPCA.

On April 11, 2025, the Supreme Court of North Carolina issued a decision in an election protest brought by a judicial candidate which addressed certain eligibility and voting requirements for covered voters. The court decided that (1) covered voters are required to comply with the photo ID requirement when submitting their ballot for state and local contests, and (2) voters who have never resided in North Carolina are not eligible to vote in state and local contests. The impact of these new rules is discussed below.

2. Photo ID Requirement

Generally, when a covered voter requests an absentee ballot, the UOCAVA procedures in Article 21A apply to that ballot request, unless the covered voter specifically chooses to vote by absentee ballot using the regular civilian procedures in Article 20.⁴ Under the court’s decision, all covered voters must comply with the photo ID requirement in N.C.G.S. § 163-230.1 for state and local contests, even if voting under the UOCAVA procedures of Article 21A.⁵ Therefore, **starting with the 2025 municipal elections, covered voters must submit either an acceptable photocopy of a photo ID or a completed Photo ID Exception Form with their ballot, in order for their votes in state and local contests to count.**

Covered voters who request a ballot via an FPCA or the Portal will be provided with instructions in their UOCAVA ballot packet on how to comply with the photo ID requirement, along with a blank Photo ID Exception Form. This is the same process county boards already follow for domestic civilian voters who request an absentee ballot. The instructions in the Federal Voting Assistance Program’s Voter Assistance Guide are also being updated so that covered voters are made aware of this requirement when submitting an FWAB.

2.1 Staff Review for Photo ID Documentation Deficiencies

Covered voters using the Portal to electronically return their ballot will upload an image of their acceptable photo ID or complete a Photo ID Exception Form in the Portal. If the voter submits their ballot by mail, email, or fax, then they must include a photocopy of their photo ID or the

⁴ See N.C.G.S. § 163-258.7(f) (“This Article does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter.”).

⁵ This decision also means that 08 NCAC 17 .0109(d), which stated covered voters are not required to comply with a photo ID requirement, is unenforceable.

Photo ID Exception Form provided in their ballot packet. If the voter uses an FWAB as their ballot, they will either need to include a photocopy of their photo ID or contact their county board of elections to request a Photo ID Exception Form to include with their ballot.

When a county board receives a UOCAVA ballot or an FWAB, staff must confirm that photo ID documentation is included and review it for acceptability under G.S. § 163-230.1 and 08 NCAC 17 .0109, just as staff does now for civilian absentee voters. Staff shall follow the guidance in [Numbered Memo 2021-03](#) regarding photo ID documentation deficiencies. If staff identify a deficiency, the county board shall proceed with the voter notification and cure process outlined in that Numbered Memo. The covered voter may then submit their cure documentation by email, by mail or commercial carrier, in person, or by fax. The Portal is not designed to accept cure documentation by itself.

2.2 Cure Deadline

If the ballot has a photo ID deficiency, then the voter must cure their photo ID deficiency by 12:00 P.M. on the third business day after the election to have their votes counted in state and local contests, because that is the cure deadline established in the absentee photo ID statute.⁶ **If a covered voter with a photo ID deficiency fails to cure the deficiency by the cure deadline, then the county board shall not count the covered voter’s votes in any state or local contests,⁷ but shall count their votes in any federal contests on their ballot.**

If a timely transmitted ballot is received after the cure deadline but before the delivery deadline, then the county board is not required to proceed with the notice and cure process because the cure deadline has already passed.

3. Overseas Citizens Who Have Never Resided in North Carolina

A provision of Article 21A allows certain citizens who were born outside of the United States and have never resided in the United States to qualify as a covered voter and use a parent’s

⁶ N.C.G.S. § 163-230.1(e1).

⁷ N.C.G.S. § 163-234(1) (“An absentee ballot returned in an executed container-return envelope containing a deficiency listed in G.S. 163-230.1(e) shall be counted if documentation curing the deficiency is timely received by the county board in accordance with the requirements of G.S. 163-230.1(e).”).

voting residence as their own to register to vote and request a ballot. These voters must meet the following requirements in the statute:⁸

- Except for residency, they are eligible to register and vote in North Carolina.
- The last place their parent or legal guardian lived before leaving the United States is within North Carolina.
- They have not previously registered to vote in any other state.

These voters indicate they are a covered voter under this provision by checking the fourth checkbox on the FPCA or FWAB that states “I am a U.S. citizen living outside the country, I have never lived in the United States.”

Due to the recent court decision, these voters may only vote in federal contests; they are not eligible to vote in state or local contests in North Carolina.

3.1 Notice to “Never Resided” Voters

When a county board receives an FPCA or FWAB, staff shall review the form to determine whether the fourth checkbox is checked. If it is, the county board shall send a written notice to the voter explaining that they will only be able to vote for federal contests due to having never resided in the state. This will require a manual review of all FPCAs and FWABs.

The written notice shall be sent as follows:

- If the FPCA or FWAB is received prior to the start of the absentee period for covered voters and there are federal contests in the election subject to the ballot request, then the written notice shall be sent with the voter’s ballot packet at the start of the absentee period.⁹
- If the FPCA or FWAB is received during the absentee period for covered voters and there are federal contests in the election subject to the ballot request, then the written notice shall be sent with the voter’s ballot packet within two business days of receipt of the request.¹⁰

⁸ N.C.G.S. § 163-258.2.(1)e.

⁹ The absentee period is set by N.C.G.S. § 163-258.9(a).

¹⁰ The ballot packet is required to be transmitted to the voter within two business days pursuant to N.C.G.S. § 163-258.9(c).

- If there are no federal contests in the election subject to the ballot request, meaning the voter will not be sent a ballot packet, then the written notice shall be sent to the voter by regular mail and email, if the requester has provided an email address, within two business days of receipt of the FPCA or FWAB. For ballot requests that are already pending for the 2025 municipal elections, including those that are standing requests under N.C.G.S. § 163-258.15(b), county board staff shall, no later than two business days before the start of the absentee period for the earliest election in the county, review the FPCA or FWAB used to make the request, determine whether the fourth checkbox was checked, and if so, send the written notice.

If the requester responds to the notice that they made a mistake in checking the box and should have checked one of the other boxes, then they can correct that mistake by submitting a new request, which will permit all contests on the ballot to be counted. As with other absentee cures, the deadline for a corrected UOCAVA ballot request to affirm the voter has resided in North Carolina is 12 noon on the third business day after election day,¹¹ so long as the voter's *original* request which they are correcting was received by the UOCAVA request deadline of 5 p.m. on the day before the election.¹² If no such cure is received by the deadline, only federal contests on the ballot shall be counted.

In an election with no federal contests, where an FPCA requester checked the nonresident checkbox (so they have not yet received a ballot), and the voter submitted a corrected FPCA to show they have resided in North Carolina but it arrives after 7:30 pm on election day, it is too late to transmit the ballot, and the request must be denied.

3.2 Counting Votes by “Never Resided” Voters

When ballots are received from these voters, the county board shall only count the ballot selections for federal contests and shall ignore any selections on the ballot for state or local contests. The county board shall follow the Partial Count Procedures in Section 4.10.1 of [Numbered Memo 2023-04](#) to duplicate the voter's votes in eligible contests to ensure that the county board counts only those votes in the contests in which the voter is eligible to have their votes counted.

¹¹ N.C.G.S. § 163-230.1(e1).

¹² N.C.G.S. § 163-258.8.