



FEDERAL WRITE-IN ABSENTEE AND STATE WRITE-IN VOTE-BY-MAIL BALLOTS

DE Reference Guidelines 0002 06/2026)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

Federal Write-in Absentee Ballot (FWAB)

(UOCAVA, 52 U.S.C 20303; sections 101.6952 and 101.697, F.S.; Rules 1S-2.030 and 1S-2.051, F.A.C.)

- **Emergency ballot for use only by UOCAVA voters:**

- Absentee military members and their family members (*i.e.*, uniformed services members on active duty away from place of residence – includes ‘absent stateside’ and absent overseas)
- Overseas voters - Overseas means outside of the 50 states, District of Columbia, Commonwealth of Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa.

- **Delivery method:**

- Mail, fax, e-mail, online (if county has approved system), or personal delivery

- **Return method:**

- If overseas voter, by fax, mail, or personal delivery (on behalf of voter)
- If absentee *stateside* military (& spouse or dependent child thereof) by mail and personal delivery only

- **Count FWAB ONLY if:**

- Previous ballot request on record. (Voter must swear or affirm on FWAB that he or she has not yet received state’s regular vote-by-mail ballot. Closer to election day, a voter could request a regular vote-by-mail ballot and submit a FWAB at the same time)
- See **Special Note** below
- If the returned FWAB is postmarked by Election Day (Date signed presumed to be the date mailed regardless of postmark date or absence of postmark.)

STATE WRITE-IN VOTE-BY-MAIL BALLOT

(sections 101.6951 and 101.6952, F.S.; Rule 1S-2.028, F.A.C.)

- Applies solely to overseas voters (not to absent stateside military) to vote in all contests (federal, state, or local) for which voter is otherwise entitled to vote.
- Requests must be made between 90 and 180 days before a *general* election and based on military or other contingency that precludes normal mail delivery of regular vote-by-mail ballot.
- Ballot may be sent to voter by mail, fax, online or e-mail (Rule 1S-2.030, F.A.C.)
- See **Special Note** below

Counting and Canvassing Order of Vote-by-Mail Ballots

A timely returned regular vote-by-mail ballot always counts over a timely returned FWAB or state write-in ballot if received by 7 p.m., local time on Election Day. If FWAB or state write-in ballot is returned by 7 PM (local time) on Election Day or no later than 10 days by mail thereafter (See Special Note below), whichever is applicable, wait to canvass to allow for timely return of regular vote-by-mail ballot. (Rule 1S-2.030, F.A.C.)

SPECIAL NOTE: A 10-day extension applies to mailed returned ballots (regular, FWAB or State write-in) but solely in Presidential Preference Primary Elections, general elections, and special primary and special general elections. If received after 7 p.m. local time on Election Day but no later than 10 days thereafter by mail, count all votes, provided the ballot is postmarked or dated by Election Day, and the voter is otherwise eligible.