



LRO SNAPSHOT

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Frontlines to the Ballot Box: The History of Military Voting Rights in America

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Since 1913, Nebraska law has provided some form of absent voting method. The enactment of Senate File (S.F.) 18 during the 1913 legislative session established the state's first laws regarding absent electors. Since 1913, the Legislature has enacted additional legislation expanding absent voting. Acts of Congress continued the expansion of absent voting in the United States.

The history of the ability to vote away from home in the United States has evolved considerably over the years. The first large-scale use of absentee voting occurred during the [Civil War](#), leading up to the 1864 presidential election. Due to the displacement of soldiers during the war, states began adopting laws allowing soldiers to vote while away from home. Soldier absentee voting typically occurred from the field, most commonly by proxy or direct absentee voting, paving the way for mail-in voting. Nineteen Union states adopted soldier absentee voting by the time of the 1864 general election. Absent voting laws for soldiers date even farther back when Pennsylvania adopted them during the War of 1812.

Since the Civil War, state and federal voting laws for service members have evolved vastly due to global conflicts. This snapshot will examine the history of expanding voting rights for military personnel in Nebraska and through federal law.

Nebraska Soldier Voting

Due to the ongoing conflicts of World War I (1914-1918), by 1918 twenty-eight states, including Nebraska, enacted laws allowing soldiers displaced from home to vote by absentee ballot. Nebraska adopted its soldier voting laws by enacting S.F. 166 in 1917. Absent voting included Nebraska voters who were absent from the city, village, town, or voting precinct, and they were entitled to vote due to their service as United States military members. Nebraska's soldier absentee voting laws were specific to guardsmen and did not permit soldiers in the regular army to vote.

In response to the mass displacement of soldiers during World War II (1939-1945), the United States Congress passed the Soldier Voting Act (SVA) in 1942. The SVA gave service members of the armed forces the right to vote in federal elections. Under the SVA, service members could request an absentee ballot using a postage-free federal postcard application ([FPCA](#)). In return, eligible electors would receive an "Official War Ballot," consisting of only federal candidates listed, unless a state's legislature authorized state and local offices.

The SVA, enacted in 1942, mandated states to implement voting procedures for service members. Amended in 1944, the SVA recommended that states adopt such procedures. Congress's authority under the SVA expired with the conclusion of World War II as it only applied "in time of war." In response to the displacement of soldiers during World War II, all states (48 at the time) established military voting laws.

Complying with Federal Law

Since establishing the SVA in 1942, the federal government has passed laws to assist military and overseas voters. Following the amending of the SVA in 1944, Congress passed the Federal Voting Assistance Act of 1955, the Overseas Citizens Voting Rights Act of 1975, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986, and the Military and Overseas Voter Empowerment (MOVE) Act in 2009.

The enactment of the Federal Voting Assistance Act formally established the Federal Voting Assistance Program ([FVAP](#)).

The program, housed within the Department of Defense, offered states recommendations on implementing absentee voting for service members and overseas citizens outside of the United States.

In response to recommendations from FVAP, the Legislature enacted [LB 727](#) in 2004.

Gives Soldier a Vote.
Senate File No. 166.—Provides machinery whereby voters of Nebraska who are absent from home on military duty at election time may vote. Authorizes governor to appoint two commissioners within ten days after the act takes effect, who shall serve two years and have charge of the voting by persons in the military service. The commissioners must be of different political parties. The secretary of state is required to print and furnish ballots for soldiers, similar to the voting by mail ballots, with the words, "Nebraska Soldier Vote" printed on the back of each. These shall be delivered to the commissioners, properly wrapped and sealed. The packages shall not be opened until they are delivered to the soldiers. Sample ballots shall also be furnished by the secretary of state. He shall likewise supply envelopes for enclosing each official ballot furnished to a soldier. The commissioners are required to keep a record of all soldiers whose votes are received, together with the residence of each. The votes, in sealed envelopes, shall be sent to the home cities, towns and voting precincts of the soldiers, there to be opened and counted and preserved separately. Soldiers' votes are to be cast ten to thirty days before election, so as to be brought home and counted at election time. Commissioners are to receive \$5 per day and traveling expenses, out of the state general fund. Penalty for failure to comply with provisions of act, fine not exceeding \$500 or imprisonment not exceeding six months, or both. Soldiers in the regular army not permitted to vote. Emergency.

Source: *The Nebraska Democrat*, May 26, 1917 via [Newspapers.com](#)



Pennsylvania soldiers voting, Army of the James (October 1864)



Source: William Waud via Library of Congress

Nebraska residents residing outside of the United States were allowed to cast a ballot in [Nebraska](#) using the Federal Write-In Absentee Ballot ([FWAB](#)) with the enactment of LB 727. FVAP continues to work directly with all military branches to ensure members can access the necessary voting resources.

The FWAB extended to eligible members of the United States armed forces, their spouses, and dependents residing with them. The bill also allowed citizens temporarily residing outside of the United States and overseas citizens. As prescribed in [§ 32-939.02](#), the FWAB may be received and returned by any method of transmission as authorized by the Secretary of State.

UOCAVA and the MOVE Act

In 1986, the Legislature amended the [Absentee Voters Act of 1984](#) with the enactment of [LB 1158](#). The bill included provisions to establish the ability for members of the United States armed forces serving outside of the territorial limits of the United States to be permitted to vote absentee in Nebraska. Also, in 1986, Congress passed UOCAVA to protect further the voting rights of service members, their dependents, and overseas citizens. However, the passage of LB 1158 came about four months before President Reagan signed UOCAVA into law. Congress amended UOCAVA in 2009 with the passage of the MOVE Act. In 2010, the Legislature enacted [LB 951](#) to implement the requirements of the MOVE Act.

As amended with the MOVE Act, eligible voters under the provisions of UOCAVA may request an absentee ballot, and states are required to provide postage-free delivery of absentee ballots no later than forty-five days before any federal election.

The provisions of UOCAVA cover all fifty states, Washington D.C., and the territories of American Samoa, Guam, Puerto Rico, and the Virgin Islands.

States must process voter registration and absentee ballot applications for [UOCAVA voters](#) as long as requests are received at least thirty days before an election. Ballots may be transmitted per state law but must include electronic registration and ballot request submissions. State law varies, but transmission methods include email, fax, or online portals.

Voters eligible under UOCAVA may register to vote and request an absentee ballot simultaneously using the FPCA. In 2022, the Legislature amended [§ 32-939](#) by enacting [LB 843](#) to allow Nebraska National Guard members ordered into active service of the state or the United States to register to vote and apply for a ballot for all elections in a calendar year by using the FPCA or a personal letter including the same information as the FPCA.

For the 2022 general election, the Election Assistance Commission (EAC) reports that the most common modes states used to transmit ballots to UOCAVA voters were email (48.5%), postal mail (38.4%), and fax or online systems (12.6%). The EAC also reports that 61.5% of UOCAVA voters returned ballots by mail, with 257,657 UOCAVA voter ballots counted in 2022.

Final Thoughts

Over the past forty years, voting protections for military members and their dependents have significantly expanded with the enactment of UOCAVA and the MOVE Act. States have a long history of protecting the right to vote for service members and continue expanding these rights with an ever-changing election landscape.