

Pennsylvania

To define a qualified elector in the state of Pennsylvania, The Constitution of Pennsylvania [Article VII](#) specifies age, residency and citizenship requirements to vote in the state. These were later amended by [25 Pa.C.S. §1301](#), which now defines the criteria to become a qualified elector in Pennsylvania:

(a) Eligibility— An individual who will be at least 18 years of age on the day of the next election, who has been a citizen of the United States for at least one month prior to the next election and who has resided in this Commonwealth and the election district where the individual offers to vote for at least 30 days prior to the next ensuing election and has not been confined in a penal institution for a conviction of a felony within the last five years shall be eligible to register as provided in this chapter.

(b) Effect.--No individual shall be permitted to vote at any election unless the individual is registered under this subsection, except as provided by law or by order of a court of common pleas. No registered elector shall be required to register again for any election while the elector continues to reside at the same address.

(c) Removal of residence.--Except as otherwise provided by this part, a registered elector who removes residence from one place to another outside the elector's last election district shall not be entitled to vote in the election district of the elector's last residence except pursuant to the provisions of this section and sections 1501(b) (relating to removal of notices), 1502 (relating to transfer of registration), and 1902 (procedure for voting following failure to return notification card.)”

[25 Pa.C.S. §1302](#) explains that in order to establish residency, your Pennsylvania address must be your permanent place of domicile:

“Rules for determination.--The following apply: That the place shall be considered the residence of an individual in which habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning.”

Understanding the qualified elector criteria established in Pennsylvania forms the groundwork for understanding which overseas citizens are protected under the UOCAVA in the state of Pennsylvania.

“Overseas citizens” with the qualifications to vote are defined in [25 Pa.C.S. §1102](#):

“An individual who resides outside the territorial limits of the United States and who, but for such residence, would be a qualified elector. The term does not include a military elector.”

This definition would not include a Disenfranchised overseas citizen as a protected voter, as this group of citizens does not have a current or formerly established Pennsylvania residency and address. The law does not explicitly grant these citizens the ability to vote using their parents’ last residential address in Pennsylvania.

The [Pennsylvania state website](#) says that you may request an absentee ballot by filling out the Federal Post Card Application (FPCA), requesting a Pennsylvania absentee ballot application be sent to you through email or mail, or through filling out any official absentee ballot application. [25Pa.C.S. §3146.2](#) goes into detail as to what information absentee ballot applications must ask for in order to confirm Pennsylvania residency:

“Date of birth, length of time a resident of voting district, voting district if known, party choice in case of primary and name. The elector shall in addition specify the nature of his or her employment, the address to which ballot is to be sent, relationship where necessary, and other information as may be determined and prescribed by the Secretary of the

Commonwealth. When the application is received by the Secretary of the Commonwealth it shall be forwarded to the proper county board of election.”

Overall, the ability for Disenfranchised U.S. citizens to vote from their parent/legal guardian or spouse's Pennsylvania residence address is not allowed. Without this, they are unable to request an absentee ballot using the FPCA, which requires a residence address to register to vote in Pennsylvania. The FWAB has the same restrictions.

Unconsolidated Statute 1301:

<https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1937&sessInd=0&smthLwInd=0&act=320&chpt=13>