

# Think**Tennessee**

## **Voting in Tennessee in 2024:**

### **Education Series Part 3 of 5**

# **Voting Absentee**

Federal laws, e.g., the 1965 Voting Rights Act, 1993's National Voter Registration Act, and 2002's Help America Vote Act, set the guidelines for the administration of elections across the country. However, elections are administered at the state level. Policies from voter registration eligibility to how voters can cast their ballots vary from state to state.

This series highlights key elements of Tennessee's election laws so Tennessee voters can successfully participate in elections.

### **What Tennessee voters should know about voting absentee:**

- **Eligibility:** Who is and is not eligible to vote absentee?
- **Requests:** Requesting an absentee ballot
- **Voting:** Casting an absentee ballot
- **Counting:** How absentee ballots are reviewed

Rather than voting in person on Election Day or during Early Voting, some Tennessee voters may cast a ballot early by mail, or "absentee." Eligible voters request a ballot from their County Election Commission, mark their ballots at home, and return them through the mail.

## **Voting Absentee in TN:**

- Not every voter can vote absentee. You must qualify to vote absentee in Tennessee.
- You cannot give an application form to request an absentee ballot to someone else. **Doing so is a Class E felony.**
- If you registered to vote by mail and have not yet voted in person in a previous election (or otherwise had your identity verified), **you cannot vote absentee.**
- You must return your absentee ballot by mail- it cannot be dropped off at an election office or polling place.
- **Your ballot must be received by the close of polls on Election Day.**

## **Eligibility: Who is and is not eligible to vote absentee?**

- **Who is eligible to vote absentee?**
  - Tennesseans must meet specific eligibility requirements to qualify as an absentee voter.
  - Eligible excuses for voting absentee in Tennessee:
    - **Age:** Voters who are at least 60 years old
    - **Health:** Voters who are- and caretakers of those who are- hospitalized, ill, or have a physical disability
    - **Out of town** (Voters not in their country on Election Day or during Early Voting, including):
      - Full-time students at an accredited college or university outside of the county where they are registered (or

- their spouse).
- Valid commercial driver's license (CDL) or Transportation Worker Identification Credential (TWIC) card holders (or their spouse).
- **Role** (Voters serving jury duty or who have a role in the election, including):
  - Serving as an Election Day official
  - Members or employees of an election commission
  - Candidates for office on the ballot
- **Special circumstances** (Voters who cannot vote in person because they are):
  - Observing a religious holiday that prevents voting in person on Election Day or during Early Voting
  - Assigned an inaccessible polling place and have a physical disability
- **Permanent absentee voters:** Voters with a physical disability or who are sick or hospitalized and unable to vote in person may apply to become a permanent absentee voter.<sup>1</sup>
- **UOCAVA Voters (Uniformed and Overseas Citizens Absentee Voting Act):** Tennessee residents serving in the Armed Forces (and their families) overseas, and U.S. citizens living abroad can request a ballot from [fvap.gov](https://fvap.gov).<sup>2</sup>

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<sup>1</sup> Permanent absentee voters are required to have a physician's note, and they will be mailed a ballot application for every eligible election. Tenn. Code Ann. § 2-6-201(3)(A).

<sup>2</sup> UOCAVA voters are emailed absentee ballots, and they are sent ballots for all elections within a year. See <https://sos.tn.gov/elections/guides/how-to-vote-absentee-for-military-and-overseas-voters>.

- **Who is not eligible to vote absentee?**
  - In addition to those not meeting an eligibility requirement, two types of voters may not vote absentee:
    - **First-time voters who register to vote “by mail” (see part 1 for more details)**
      - Voters who have registered by mail must first either vote in person or have their identity verified before being allowed to vote absentee.<sup>3</sup>
      - Voters who register “in person” have been seen by election or state officials, but voters who register “by mail” have not.<sup>4</sup>
    - **Residents of Homes for the Aged**
      - Voters living in licensed nursing homes, assisted living facilities, or independent living facilities on the same property cannot vote absentee.
        - Residents can either vote when County Election Commissions conduct on-site voting at these locations, or in person on Election Day or during the Early Voting period.
  
- **Did You Know?**
  - **If you register by mail, you can vote absentee after verifying your identity with your County Election Commission.**

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<sup>3</sup> Election officials need to see voters in person before allowing them to vote absentee. Voters can go to their County Election Commission in person and ask them to change their “by mail” registration to “in person.”

<sup>4</sup> “Election or state officials” include agents at the Department of Safety. “By mail” registrations include those made online, by mailed paper application, or with a third party.

- You can verify your identity by:
  - Voting in your first election in the county in person.
  - Going to your County Election Commission so they can see you in person, confirm your residency, and update your file.
- **Voter registration is county-based (see part 1 for more details)**
  - When you re-register in your new county, it is considered a new registration.
  - Even if you voted absentee in your previous county, you must first verify your identity with your new County Election Commission
- **You do not need to provide proof of absentee eligibility.**
  - No physician's note is required when requesting an absentee ballot (except for permanent absentee voters). You sign an oath under penalty of perjury that you meet one of the specific requirements.

## **Requests: Requesting an absentee ballot**

- Each election has an application request window
  - You must request an absentee ballot for every election you wish to vote absentee in.<sup>5</sup> You can submit a request between 90 and 7 days before Election Day (after the November 2024 election, this will be changed to between 90 and 10 days before Election Day).

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<sup>5</sup> UOCAVA and permanent absentee voters are exceptions.

- 2024 Absentee Request Window:
  - **August 1 Primary Election**
    - **May 3, 2024:** First day to request an absentee ballot
    - **July 25, 2024:** Last day to request an absentee ballot
  - **November 5 General Election**
    - **August 7, 2024:** First day to request an absentee ballot
    - **October 29, 2024:** Last day to request an absentee ballot
  
- Request a ballot from your County Election Commission:
  - **You can request an absentee ballot in the following ways:**
    - In person at your County Election Commission
    - Use the official “Absentee By-Mail Ballot Application” available on the Secretary of State’s website (<https://sos.tn.gov/elections/services/absentee-voting>) or go to your County Election Commission’s website.
    - Mail, fax, or email the following information to your County Election Commission, which will serve as a request:
      - Name, address, DOB, and SSN
      - The address to mail the ballot if it is different than your registered address
      - The election you wish to participate in
      - The reason you wish to vote absentee

- Your signature<sup>6</sup>
- Election Officials process and accept or reject requests
  - County Election Commissions review requests to ensure it has all the necessary information and that signatures match voters' registration records
  - **Accepted:**
    - Requests are accepted if signatures match and you have provided all the necessary information.
    - When materials are ready, election officials mail you an absentee ballot and envelope to put it in, instructions, and a return envelope.
  - **Rejected:**
    - Requests can be rejected if information is missing, you are ineligible, or if signatures don't match.<sup>7</sup>
    - Election officials can follow up with you to gather the necessary information, and they must give you written notice if your request is rejected.<sup>8</sup>
- **Did You Know?**
  - **You do not need to use the official application form to request an absentee ballot.**
    - Absentee ballot requests are required in

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<sup>6</sup> Tenn. Code Ann. § 2-6-202(a)(3).

<sup>7</sup> Tenn. Code Ann. § 2-6-202(b). Signatures can be scanned if your request is made via fax or email. Tenn. Code Ann. § 2-6-202(a)(3).

<sup>8</sup> Tenn. Code Ann. § 2-6-204. Election officials must notify the applicant "immediately" if the application is rejected.

writing. If submitting a request via email, it must include a scanned signature.

- You can provide the required information and signature on any piece of paper, including an unofficial application form.
- However, it is a Class A misdemeanor to give an unofficial application to someone who has not requested it.<sup>9</sup>
- **You can receive help completing the absentee application, but no one other than an election official can give it to you.**
  - While anyone can help you complete an absentee application- as long as you sign it- no one may give you the application.<sup>10</sup> You must get the application yourself (online) or from an election official.
  - It is a Class E felony- resulting in the loss of voting rights- for a non-election official to give anyone the application form to request an absentee ballot.<sup>11</sup>

## **Voting: Casting an Absentee Ballot**

- Vote and return your absentee ballot
  - **After you receive your absentee ballot:**
    - Mark your selections on the ballot, and seal it in the envelope provided.
    - Sign the attached affidavit under penalty of perjury to confirm you are eligible to vote in the election and that the information you provided is accurate.
    - Put your absentee ballot in the mail (with

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<sup>9</sup> Tenn. Code Ann. § 2-6-202(c)(4).

<sup>10</sup> Tenn. Code Ann. § 2-6-203.

<sup>11</sup> Tenn. Code Ann. § 2-6-202(c)(3).



postage).

- Track your ballot's status on the state's "voter lookup page" to see when your County Election Commission receives it.

- **Did You Know?**

- **Absentee ballots must be mailed back to your County Election Commission**
  - You cannot turn in your ballot in person. Ballots must be mailed, and they must be received by the close of polls on Election Day.<sup>12</sup>
- **Voters pay postage.**
  - The provided absentee return envelope is self-addressed to your County Election Commission, but you pay the necessary postage. Depending on the length (and weight) of the ballot, postage could vary, so check with your post office.

## **Counting: How absentee ballots are reviewed**

- Election officials accept or reject received ballots
  - Election officials review the voter's signature on the absentee ballot envelope to verify that it matches the signature on record.
  - **Accepted:**
    - Accepted ballots are placed into a secure ballot box until the close of polls on Election Day.
  - **Rejected:**

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<sup>12</sup> In 2020, voters could take absentee ballots directly to a specific post office in each county (still applying postage). These ballots would get to election officials directly rather than get processed through the mail. This may still be available in your county.

- If a signature does not match, or election officials determine the ballot is ineligible for any reason, it is rejected. They must immediately notify the voter in writing that the ballot has been rejected.<sup>13</sup>
- Ballots are counted by a counting board
  - After the polls close on Election Day, an appointed absentee-ballot-counting board reviews absentee ballots two more times and either accepts or rejects them.<sup>14</sup>
  - **Stage 1: The Ballot Envelope**
    - The board reviews the absentee ballot envelope again and determines whether to accept or reject it. If rejected, the ballot is marked “rejected” along with the reason and placed aside. Election officials must notify the voter by mail that their ballot was rejected.<sup>15</sup> If accepted, officials remove the affidavit from the envelope so that the ballot is anonymous.
  - **Stage 2: The Absentee Ballot**
    - The board opens the accepted absentee ballots, ensures that each ballot includes the required watermark, and then counts the ballot.<sup>16</sup>

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<sup>13</sup> Tenn. Code Ann. § 2-6-204(b).

<sup>14</sup> If there are fewer than 100 absentee ballots, the county election commission may serve as the board. Tenn. Code Ann. § 2-6-302(b).

<sup>15</sup> Tenn. Code Ann. § 2-6-304(b).

<sup>16</sup> Tenn. Code Ann. § 2-6-304(c).