ELECTION CONNECTION CIVIL RIGHTS

Frequently Asked Questions

Tennessee – General Election 2024

Last Updated: 9/13/2024

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Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

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REGISTERING TO VOTE

1. **ELIGIBILITY:** Can I register to vote?

An individual is eligible to register to vote if they are:

- A United States citizen;
- Eighteen (18) years of age or older, on or before the date of the next election; and
- A resident of Tennessee. See <u>Guidelines for Determining Residency | Tennessee Secretary of</u> <u>State</u>.¹

Eligibility may be affected if an individual has been convicted of a felony. See <u>Question #12</u>.

2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I need to be registered with a political party? Can I change my party registration to vote in another party's primary election? When I voted, the poll worker asked my party affiliation. Are they allowed to do that?

Registered voters are eligible to vote in a primary election.

¹ TN Code § 2-2-102; <u>https://sos.tn.gov/elections/guides/how-to-register-to-vote</u>

Voters do not have to be registered with a political party to vote in a primary election in Tennessee. The voter registration application form does not include any option to designate political party affiliation.

Under state law, a voter is entitled to vote in a partisan primary election if they are either: (1) a bona fide member of and affiliated with the political party of the primary they are seeking to vote in, or (2) at the time of voting, the voter declares allegiance to that party and states they intend to affiliate with that party.²

To vote in the primary election, a voter must choose either a Republican or Democratic ballot. If a voter does not select either, the voter will not be able to vote in the primary for candidates who are running for office based on their political affiliation. If there are nonpartisan races in the primary, the voter will receive a ballot with those nonpartisan primary races only.

The absentee by-mail ballot application form includes a step for the voter to select whether they wish to vote in the Republican Primary or the Democratic Primary.

At in person voting, poll workers may ask party affiliation to determine which ballot to provide to the voter.

NOTE: In 2023, the state legislature added a new subsection to § 2-7-115 that requires signage to be posted at primary election polling places that states that it is a violation of § 2-7-115(b) and punishable as a crime if a person votes in a political party's primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party.³

Section 2-7-115 does not define these qualifying terms.⁴ As a result, each voter needs to decide for themselves whether they are entitled to vote in a partisan primary.

A voter in a primary may be challenged on the ground that the person is not qualified based on party affiliation under Tennessee Code § 2-7-115(b). Such a challenge is decided by three (3) judges or other election officials of the party in whose primary the voter seeks to vote.⁵ See <u>Question 14</u>.

3. STATUS: Am I registered to vote?

Voters may check their registration status by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u> (available for phone and computer).

4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?

Persons eligible to register to vote can register by doing one of the following no later than thirty (30) days before an election:

² TN Code § 2-7-115(b). Section 115 does not define these terms.

³ TN Code § 2-7-115(c).

⁴ TN Code § 2-7-115(b).

⁵ TN Code § 2-7-126. This differs from the standard challenge procedure which requires consensus from the three election judges at a polling place, no more of two of whom can be of the same political party, to reject a ballot.

- Downloading and printing a <u>Voter Registration Application</u> and mailing the signed, completed form to their<u>county elections commission</u>, or hand-delivering it to their county elections commission. See <u>Tennessee Secretary of State: Division of Election: Election</u> <u>Commissions</u> for information on county commission locations, open hours, and contact information. All applications must be postmarked or received by the applicant's county elections commission on or before the registration deadline.⁶
- Obtaining a paper copy of the voter registration form at their <u>county elections commission</u> and completing and returning it there.
- Registering to vote online through the <u>Tennessee Online Voter Registration System</u>. A Tennessee driver's license or Tennessee Department of Safety and Homeland Security ID is required to register online.

For the Thursday August 1, 2024, State and Federal Primary and State and County General Election, the deadline is Tuesday, July 2, 2024. Thirty days before the 2024 General Elections is October 6, 2024. However, because the deadline falls on a Sunday, a voter has until Monday, October 7, 2024. See <u>Elections Calendar | Tennessee Secretary of State</u>.

Paper copies of the voter registration application may be obtained in person at:

- County Election Commission Offices
- County Clerk's Offices
- Public Libraries
- Register of Deeds Offices

Alternatively, persons eligible to register to vote may register during a transaction with one of the following agencies:

- Department of Health (WIC program)
- Department of Human Services
- Department of Intellectual and Developmental Disabilities
- Department of Mental Health
- Department of Safety (motor vehicles division)
- Department of Veterans Affairs⁷

Tennessee has guidance for voter registration by homeless/unhoused persons who reside in the state. See <u>Where do homeless persons register to vote? | Tennessee Secretary of State</u>.

To register to vote in Tennessee, a person does not have to live in a building. To register to vote, a person who finds themselves homeless must describe in their voter registration form where the person usually stays or returns to when absent. This location may be the address of a shelter where the person stays or frequents, or it may be the description of a street corner where the person may often rest. A physical description of the location must be given so that the election commission knows in which voting precinct to place the person.⁸

The county election commission must mail voter registration cards to people who register to vote by mail. As a result, if a homeless person tries to register to vote using an address where the person does

⁶ TN Code § 2-2-109(a)

⁷ https://sos.tn.gov/elections/guides/how-to-register-to-vote

⁸ TN Code § 2-2-122.

not get mail, the person will need to provide a mailing address at which they can receive mail. For example, a homeless voter may be able to use a shelter as a mailing address or the address of a family member or friend who agrees to receive the mail. Another option is to use General Delivery at a local post office building address as a mailing address for registration purposes.⁹ (Absentee by-mail ballot materials, however, cannot be mailed to "General Delivery."¹⁰)

If the voter's registration card is returned as undeliverable to the election commission, the voter will be mailed a confirmation notice and placed on inactive status.¹¹ See <u>Question 21</u> for actions needed to vote if a voter's registration is on inactive status for failure to respond to a confirmation notice. In addition, a homeless person should notify the county election commission if or when there are changes to the mailing address or address where the person is registered to vote.¹²

NOTE: *First Time Voters* are not eligible to vote absentee by-mail and *must* appear in person to vote, *unless* they are permanent absentee voters, enrolled in the Safe at Home program, or have previously voted in the county of registration.¹³

NOTE: Some Tennessee municipalities allow otherwise eligible owners of real property within the municipality to register and vote in municipal elections even if they live elsewhere (where they are *also* registered to vote). *Non-Resident Property owners* must provide proof of property ownership at the time of registration. No more than two owners of an individual tract may register on that basis, regardless of the number of owners.¹⁴ See <u>Can Non-resident Property Owners Register to Vote?</u> <u>I</u> <u>Tennessee Secretary of State</u>. Some municipalities require non-resident property owners to cast their municipal ballot using absentee by mail voting only.¹⁵ Voters who may qualify to register and vote in municipal elections under these provisions should consult the <u>county election commission</u> office or the city attorney of the municipality in which property is owned for further information.

5. **IDENTIFICATION:** What ID is required to register to vote?

The registration application requires a social security number and a signature, but not a photo ID.¹⁶

On-line registration also requires a Tennessee driver's license or Tennessee Department of Safety and Homeland Security ID.¹⁷

6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

Persons eligible to vote must register to vote no later than thirty (30) days before the election. The deadline is not dependent upon how the voter registers. Mailed applications must be postmarked or received by the county elections commission on or before the deadline.

⁹ https://sos.tn.gov/elections/faqs?page=1

¹⁰ TN Code § 2-2-115, § 2-6-202.

¹¹ TN Code § 2-2-115.

¹² https://sos.tn.gov/elections/faqs?page=1

¹³ <u>https://sos.tn.gov/elections/fags</u>; TN Code § 2-6-201; TN Code § 2-2-115.

¹⁴ TN Code § 2-2-107.

¹⁵ TN Code § 2-6-205.

¹⁶ <u>https://sos.tn.gov/elections/services/register-to-vote-paper-form-mail-in-or-hand-deliver</u> (also, see linked registration form).

¹⁷ https://sos.tn.gov/elections/faqs

For the Thursday August 1, 2024, State and Federal Primary and State and County General Election, the deadline is Tuesday, July 2, 2024. Thirty days before the 2024 General Elections is October 6, 2024. However, because the deadline falls on a Sunday, a voter has until Monday, October 7, 2024. See <u>Elections Calendar | Tennessee Secretary of State</u>.

7. SAME DAY: Does my state have Same Day Registration? If so, what is the process?

No.

However, if a registered voter moved within their county or changed their name, and did not update their registration at least five (5) days before the election, they can vote with a regular ballot on Election Day at either their new polling location or at a central location designated by the county election commission office after completing an affidavit at that location. See <u>How to Update your Voter</u> <u>Registration | Tennessee Secretary of State</u>.

8. PERMANENT MOVE: I have moved permanently and I didn't update my voter registration, can I vote?

If a voter moves *within the same county* they may, no later than five (5) days before an election, submit an updated and signed voter registration form online, in person, by mail, by fax, or by email to their local <u>county election commission</u> office. Alternatively, the voter may update their address and participate in Early Voting at any early voting location within their county. On Election Day, they can vote using a regular ballot at either their new polling location or at a central location designated by the county election commission office after completing an affidavit. See <u>How to Update your Voter Registration |</u> <u>Tennessee Secretary of State</u>.

If a voter moves *from one county in Tennessee to another*, their voter registration will not transfer. The voter needs to complete and submit a new registration. See <u>Question #4</u>. To vote in the new county of residence, the voter must register there no later than thirty (30) days before the election.

If a Tennessee registered voter moves *from one county in Tennessee county to another within ninety (90) days* of a state primary or general election or federal primary or general election, they may vote in person at the polling place where the voter is registered, or during early voting in the county in which the voter is registered. The voter may *not* vote absentee by-mail. The voter may vote in their former county pursuant to this provision once. For any subsequent elections, the voter must register in the county of their new residence.¹⁸

If a voter moves *from a different state into Tennessee*, the voter needs to complete and submit a new registration in their Tennessee county of residence. See <u>Question #4</u>. The person cannot vote unless they register in Tennessee no later than thirty (30) days before the election.

For an election for electors for president and vice president (U.S. presidential election) only, if a Tennessee registered voter moves out of the state after the thirtieth (30) day before such an election and for that reason does not satisfy the registration requirements of that voter's new State of residence for that election, the voter continues to be a registered voter but *only* for electors for president and vice president in that election in the voting precinct in which the voter was last registered. The voter may vote either in person or by absentee by-mail ballot.¹⁹

¹⁸ TN Code § 2-7-115(a). Scope of code provision confirmed in a phone call with Tennessee Elections Division staff lawyer on January 10, 2024.

¹⁹ TN Code § 2-2-103.

9. TEMPORARY MOVE: I have moved temporarily. How can I vote?

The voter can request to vote absentee by-mail if the voter will be outside the county in which they are registered during the early voting period and all day on Election Day.²⁰

Otherwise, the voter must vote during early voting or on Election Day in the county in which the voter is registered and permanently resides.²¹ Voters can find their early voting times and location(s) and their Election Day polling location and open hours by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u> (available for phone or computer).

10. **STUDENT:** I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

A college student should register to vote in the place in which their permanent residence is located. A student's permanent residence does not necessarily change because they attend classes at a school in Tennessee. Factors that Tennessee may consider in determining a voter's residency are available at <u>Guidelines for Determining Residency | Tennessee Secretary of State</u>.

If the student is taking classes remotely, the student should register to vote in the county/state in which they reside, and not the county/state that the school is located in.

If the student is attending classes in a different state, they may consult with the state election authorities in that State to determine whether and how they can vote in that jurisdiction *instead of* Tennessee.

If the student is registered to vote in a different Tennessee county than the county in which the school the student attends is located, or if the student attends school out of state, they may qualify to vote absentee by-mail in the Tennessee county in which they are registered to vote. See <u>Question #32</u>.

11. LIVING ABROAD: I am living abroad and/or serving in the military. How can I register and/or vote?

Military personnel and their family members, and overseas voters may receive their absentee ballot via e-mail or by-mail upon request.²² See <u>How to Vote Absentee for Military and Overseas Voters</u> <u>Tennessee Secretary of State</u>

The following individuals may request an absentee ballot by completing a Federal Post Card Application, also known as Form 76 or FPCA:

- Armed forces personnel,²³ their spouses and dependents who are United States citizens and residents of Tennessee;
- United States citizens who are residents of Tennessee, but who are currently residing overseas;
- United States citizens who reside outside the U.S., but for living outside of the U.S., would be qualified to vote in Tennessee; and

²⁰ TN Code § 2-6-201.

²¹ https://sos.tn.gov/elections/guides/guide-to-absentee-voting

²² TN Code § 2-6-502.

²³ Armed forces personnel means members of the army, navy, air force, marine corps, coast guard, environmental science services administration, and public health service of the United States or members of the merchant marine of the United States, and their spouses and dependents. TN Code § 2-1-104(a)(1).

• Individuals who have never lived in the United States, but who have a parent that is eligible to vote in Tennessee.

An online version of the Federal Post Card Application is available at <u>Register and request your absentee</u> <u>ballot with the Federal Post Card Application (FPCA)</u>. The signed application can be mailed, faxed, or emailed with an attached document that includes a scanned signature to the voter's <u>county election</u> <u>commission</u>.

Qualified voters need to submit the FPCA application once per calendar year to receive absentee ballots for all applicable elections in that calendar year.²⁴

Applications for absentee ballots submitted using the FPCA will be accepted by the voter's county elections commission no earlier than January 1 of a calendar year in which one or more elections will be held. However, if an election is less than ninety (90) days after January 1, applications using the FPCA will be accepted beginning ninety (90) days before that election. Applications must be received by the voter's county elections commission no later than seven (7) days before an election for an absentee ballot to be sent to the voter for that election.²⁵

If the voter was not registered prior to requesting an absentee ballot, their application for an absentee ballot will be treated as an application for temporary registration.²⁶

The voter can return the completed absentee ballot to the voter's <u>county elections commission</u> by e-mail or mail (USPS, FedEx, UPS, etc.). It cannot be returned by fax. The completed ballot must be received by the commission by the close of polls on election day.²⁷

If, after timely requesting an absentee ballot using the FPCA, the voter feels that there may not be sufficient time to receive and then return the absentee ballot to the election commission by the close of polls on election day, the voter may opt to use the Federal Write-In Absentee Ballot (FWAB). See <u>Vote as a backup using the Federal Write-In Absentee Ballot</u>. The completed FWAB must be received by the voter's <u>county elections commission</u> by the close of the polls on election day.²⁸

12. **CRIMINAL CONVICTION:** I have a felony criminal conviction. Can I register to vote? Does the type of conviction matter? Are there any restrictions after any misdemeanor convictions?

Voter Eligibility:

- Persons who have a felony conviction that has not been expunged may not be eligible to vote. A person with a felony conviction *may* be eligible to have their voting rights restored. A person's eligibility <u>depends upon the offense</u> they were convicted of and the date of the conviction. Detailed information from the Secretary of State's office about eligibility to vote, including the list of offenses which impact voter eligibility, is available at <u>Restoration of Voting Rights |</u> <u>Tennessee Secretary of State</u>.
- <u>Any conviction on or after May 18, 1981</u> of any offense that is classified as a felony in Tennessee, regardless of which court convicted the individual, causes a voter to lose their voting

²⁴ <u>https://www.fvap.gov/guide/appendix/faq</u>

²⁵ TN Code § 2-6-502

²⁶ TN Code § 2-6-502

²⁷ TN Code § 2-6-502

²⁸ TN Code § 2-6-502

rights. For certain felonies within certain date ranges, voting rights can never be restored. For a list of these felony offenses and date ranges and further information on restoration requirements, forms, and processes, see <u>Restoration of Voting Rights | Tennessee Secretary of State</u>.

- If a voter <u>was convicted of a felony between January 15, 1973 and May 17, 1981</u>, the voter is eligible to vote automatically without any requirement for rights restoration. The type of felony conviction during this time period does not impact voter eligibility. See <u>Restoration of Voting</u> <u>Rights | Tennessee Secretary of State</u>.
- If a voter <u>was convicted of a felony prior to January 15, 1973</u>, the voter is eligible to vote, with the exception of certain offenses. For a list of these offenses, see <u>Restoration of Voting Rights</u> | <u>Tennessee Secretary of State</u>. Even if a person was convicted of a felony on this pre-January 15, 1973, list, they still have the right to vote if they can show that at the time of your conviction the judge did not render them "infamous," if their conviction was reversed on appeal or expunged, if they received a full pardon, or if they have had have their voting rights restored. See <u>Restoration of Voting Rights</u> | <u>Tennessee Secretary of State</u>.

Rights Restoration Process:

- If a person seeks to restore their right to vote, they can restore their right to vote in two ways: (1) Expungement of eligible convictions, or (2) a Certificate of Restoration of Voting Rights.
- If <u>eligible for expungement</u>, a person must wait five to ten years, depending on the conviction, after the completion of their sentence to petition a court for an expungement. Once a person's conviction has been expunged, they may mark "No" on the voter registration form question asking if the voter has a felony conviction. A person whose felony convictions have been expunged does not need to submit a Certificate for Voter Rights Restoration. See <u>Restoration of Voting Rights | Tennessee Secretary of State</u>.
- If a person is not eligible for an expungement or does not want to seek an expungement, a voter must complete a two-step process to restore their right to vote. First, the person must receive a pardon or must file a Petition for Restoration of Full Citizenship Rights, which can be filed pro se or through an attorney. A person seeking a pardon can apply to the Board of Parole five years after the completion of their sentence. The pardon application can be found online here. A person seeking a Petition for Restoration of Full Citizenship Rights to file in their county's Circuit Court should be referred to Campaign Legal Center at restoreyourvote@campaignlegal.org to receive pro se support. Once a person has been granted a petition for full citizenship rights, they may then submit a Certificate of Voting Rights Restoration. To be granted voting rights restoration, a person must have completed their sentence, including probation or parole, and pay all outstanding restitution, court costs, and any child support obligations. A person may have received a filled-out Certificate of Voting Rights Restoration from their probation or parole officer once they were discharged from their sentence. This rights restoration process usually takes months to complete. More information about this process can be found here.

Check the resources at Campaign Legal Center's <u>Restore Your Vote</u> for latest information.

13. INCARCERATED: I am currently incarcerated. Can I register to vote? Can I vote from jail?

Check the resources at Campaign Legal Center's Restore Your Vote for latest information.

If a voter is incarcerated for a misdemeanor only, or is awaiting trial for any charge and has not previously lost their voting rights due to a prior conviction, they may register to vote and request an absentee by-mail ballot.

A voter does not gain or lose residence in Tennessee solely by reason of the person's presence or absence while confined in a public prison.²⁹

If a voter has been convicted of certain felonies and the conviction has not been expunged, they may not be eligible to vote. See <u>Question #12</u>.

14. REGISTRATION CHALLENGED: My registration has been challenged, what should I do?

A voter's registration may be challenged only on the grounds that the person:³⁰

- Is not a registered voter in Tennessee and did not vote a provisional ballot;
- Is not a resident of the precinct where the person seeks to vote;
- Is not the registered voter under whose name the person has applied to vote;
- Has already voted in the election; or
- Has become ineligible to vote in the election being conducted at the polling place since the person registered.
- The person is not qualified based on party affiliation. See <u>Question 2</u>.

A voter (registrant) who has received notice *from the administrator of elections* that they have been deemed to not be entitled to register has the right to appeal the decision to the county elections commission within ten (10) days. The rejection notification should offer the registrant an appeal form.³¹

If a registrant files an appeal, there will be a hearing. If, after the hearing, the commission determines that the registrant was not entitled to register, that determination will be the final administration decision. The commission will provide the registrant with a written statement of their reasons for rejecting the appeal.³²

If a voter's right to vote is challenged by any other person *at a polling place*, the judges at the polling place³³ are responsible for presenting the challenge and deciding the outcome. As part of this process, the judges will administer an oath in which the voter is asked to affirm that they have given true answers to questions about their right to vote. If a voter refuses to take this oath, they will not be permitted to vote.³⁴ The judges will ask questions as they deem necessary to determine eligibility and, if applicable, will request that the administrator of elections check the original permanent registration records.³⁵

³⁴ TN Code § 2-7-123.

³⁵ TN Code § 2-7-124(b).

²⁹ TN Code § 2-2-122(a)(7).

³⁰ TN Code § 2-7-124.

³¹ TN Code § 2-2-125.

³² TN Code § 2-2-125.

³³ If the challenge is because the person is not qualified based on party affiliation, three judges or other election officials of the relevant political party decide the outcome.

If the judges determine unanimously that a voter is not entitled to vote, the voter shall vote via paper ballot but have their ballot marked as "Rejected." If the judges do not agree unanimously, the voter will be permitted to vote.³⁶

HOW TO VOTE: ELECTION DAY

15. HOURS: When do the polls open/close on Election Day?

Polling place open and closing times may vary by county and the population of the county.³⁷

Generally, polls open between 7 am and 8 am local time. Polls in the Eastern time zone close at 8 pm local time, those in the Central time zone close at 7 pm local time.³⁸ This should be verified for the specific county.

Polling places are required to be open for voting for a minimum of ten (10) continuous hours but no more than thirteen (13) hours.³⁹

Details on polling place opening and closing times are available from the <u>county election commission</u>. Voters can find their voting times and polling place by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u> (available for phone and computer).

16. POLLING LOCATION: Where do I vote on Election Day?

Polling locations are based on the voter's registered address. Voters can find their voting times and polling place by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u> (available for phone and computer).

17. TIME OFF WORK: Is my employer required to give me time off to vote? Is it paid or unpaid?

Employers are required to give their employees a reasonable amount of time off, up to three (3) hours, to vote during the time that the polls are open in the county in which the employee is a resident.⁴⁰

However, if an employee's shift begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of the polls, employers are not required to grant them time off for voting. Employers may also specify the hours during which the employee may be absent.⁴¹

Employees must apply for voting absence before 12:00 noon on the day before the election.⁴²

⁴² TN Code § 2-1-106(d).

³⁶ TN Code § 2-7-125.

³⁷ TN Code § 2-3-201.

³⁸ TN Code § 2-3-201.

³⁹ TN Code § 2-3-201.

⁴⁰ TN Code § 2-1-106(a).

⁴¹ TN Code § 2-1-106.

Time off for voting will be paid. Employers cannot penalize or reduce pay for employees who are granted absence from work to vote in compliance with this policy.⁴³

18. CLOSING: What if the polls close when I am already in line?

Tennessee law requires that everyone in line before closing time be allowed to vote regardless of when the polls opened. ⁴⁴

Voters who are in line to vote before the polls close and are told they will not be able to vote should remain in line.

19. **IDENTIFICATION:** What identification is required to vote?

A federal or Tennessee ID containing the voter's name and photograph is required for voting, unless an exemption applies (see <u>Question #20</u>, below). See <u>Guide on ID Requirements when voting | Tennessee</u> <u>Secretary of State</u>.

Any of the following IDs may be used, even if expired (additional documentation is required for first time voters with expired IDs, see paragraph below):⁴⁵

- Tennessee driver's license with photo;
- An identification card with photo issued by the Tennessee Department of Safety and Homeland Security (i.e. a "state ID" that is issued as an alternative for persons not licensed to drive, or a <u>Voter Photo ID</u>);
- United States Passport;
- Any identification card issued by the federal or Tennessee state government (including a handgun permit with photo);
- Any employee ID issued by the federal or Tennessee governments, including IDs for retired Tennessee government employees, or
- United States Military photo ID

First Time Voters who registered by mail or online are not eligible to vote absentee by-mail and must appear in person to vote, unless they are permanent absentee voters, enrolled in the Safe at Home program, or have previously voted in the county of registration. If a voter's ID is expired and the voter is a first time voter who is required to vote in person, the voter must also present verification of their residential address. Acceptable documentation includes:⁴⁶

- A copy of a current utility bill;
- A residential lease agreement
- A bank statement;
- A government check;
- A paycheck; or
- Another government document that shows the voter's name and address.

⁴³ TN Code § 2-1-106(b);

https://www.knoxnews.com/story/news/politics/tn-elections/2020/10/30/workers-voter-rights-tennessee-what-you-mu st-know-voting-information/3727928001/

⁴⁴ TN Code § 2-7-127.

⁴⁵ TN Code § 2-7-112(c).

⁴⁶ TN Code § 2-7-112; https://sos.tn.gov/elections/voter-id-requirements.

IDs that are <u>not</u> accepted include:

- College student IDs; and
- Photo IDs not issued by the federal or Tennessee state government including county or city issued photo IDs, such as library cards, and photo IDs issued by other states.⁴⁷

If a voter is unsure or has questions about whether their photo ID is acceptable, they may contact their <u>county election commission</u> or the State Division of Elections, see <u>Question 83</u> for contact information.

If the voter does not have a photo ID, they can obtain a free photo ID to vote from the Department of Safety and Homeland Security at any participating driver service center across the state. Details and instructions are available on the DSHS website at <u>Voter Photo ID</u>.

20. NO IDENTIFICATION: Can I vote without providing identification?

A voter may vote without providing identification if the voter:⁴⁸

- Votes absentee by-mail; see <u>Questions #31-32</u>
- Is a resident of a licensed nursing home, assisted living center, or home for the aged in the county of their residence and votes absentee in person at the facility, see <u>Question #49</u>;
- Is hospitalized; see <u>Questions #31-32</u>
- Has a religious objection to being photographed;⁴⁹ or
- Is indigent and unable to obtain a photo ID without paying a fee.⁵⁰

If a person does not qualify for an exemption, votes in person at a polling place, and does not bring an acceptable photo ID, the voter can vote with a provisional ballot. See <u>Question #23</u>.

21. NOT ON ROLLS AT MY POLLING PLACE: I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

Yes. If a voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but their eligibility cannot be determined, the voter shall be entitled to vote with a provisional ballot after completing an original voter registration application and supplying verification of the voter's residential address.⁵¹ See information on provisional ballots beginning at <u>Question 22</u>.

If a voter's registration status is inactive status because of a failure to respond to a confirmation notice⁵² sent by the county elections commission, and the voter has not moved or has moved within the county of registration, the voter will be required to make a written affirmation of their current address and that the voter is entitled to vote. The voter may then vote using the same method as any other voter at the polling place.⁵³

⁴⁷ TN Code § 2-7-112(g)

⁴⁸ <u>https://sos.tn.gov/elections/voter-id-requirements</u>

⁴⁹ TN Code § 2-7-112(f)

⁵⁰ TN Code § 2-7-112(f)

⁵¹ TN Code § 2-7-112(a)(3)(A)

⁵² TN Code § 2-2-106 (d)(4)

⁵³ TN Code § 2-7-140(b).

22. GIVEN PROVISIONAL BALLOT: I am being told I have to vote provisionally, what does that mean?

A provisional ballot is cast when a voter states they are registered and eligible to vote but an election official cannot determine a voter's eligibility. Provisional ballots should only be provided if:⁵⁴

- The voter's eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission;
- An election official asserts that the individual is not eligible to vote (i.e., a challenge);
- The voter requested an absentee ballot; or
- The voter is unable to present evidence of identification unless entitled to an exemption (see <u>Question #20</u>)

Other than for these reasons, the voter should be able to cast a regular ballot and should request a regular ballot.

If the situation is similar to those above, in that the voter believes they are entitled to cast a ballot (e.g., the voter thinks they are at the correct polling place, but are unsure), the voter should request a provisional ballot.

To vote provisionally, the voter must: (1) complete an original voter registration application, (2) present verification of their residential address, and (3) complete an application for ballot. Both applications will be deposited into the provisional ballot box.⁵⁵

Once the application for ballot has been completed, the voter will be given a provisional ballot and provisional ballot envelope, which includes a provisional ballot affidavit. The voter will then complete the affidavit and vote using the provisional ballot. These ballots will be delivered to the central provisional ballot counting board for their eligibility review.⁵⁶

Depending on the reason for the voter being given a provisional ballot, the voter will need to provide the requested documentation (e.g., photo id) within two business days after the election to the administrator of elections (or the administrator's designee). See <u>Question #23</u>.

After the election, the county's central provisional ballot counting board will review eligibility by considering records of the election commission and other government agencies. See <u>Question #24</u>.

23. REQUESTING PROVISIONAL BALLOT: I am being told I can't vote, can I vote provisionally?

In person voters who do not bring a photo ID (and are not exempt from this requirement, see <u>Question</u> #20), can request a provisional ballot. Voters will then have <u>only two (2) business days</u> after Election Day to return to the election commission office to show a valid photo ID. See <u>Question #19</u>. Upon appearing at the county election commission office, the voter will sign an affidavit and a copy of the voter's photo ID will be made to be reviewed by the counting board.⁵⁷

⁵⁴ TN Code § 2-7-112(a)(3)(A).

⁵⁵ TN Code § 2-7-112(a)(3)(A).

⁵⁶ TN Code § 2-7-112(a)(3)(B).

⁵⁷ TN Code § 2-7-112(e)

24. PROVISIONAL BALLOT NEXT STEPS: I voted a provisional ballot, what now?

Within four (4) business days of the close of the polls (unless an extension is granted), the county's central provisional ballot counting board will open all provisional ballots and, upon consulting the records of various Tennessee state departments, determine if the person voting was entitled to vote in the precinct where the vote was cast and confirm that the voter has not already cast a ballot in the election.⁵⁸

If a voter did not have a photo ID on Election Day and casts a provisional ballot for that reason, the voter has two (2) business days after Election Day to present a valid photo ID to the election commission office. See <u>Question #23</u>.

If the board determines that the voter should have been registered, meets the requirements for registration, and did not cast a ballot in another precinct, the ballot will be deemed countable. If the board determines that the voter should not have been registered, does not meet requirements for registration, or that they cast a vote in another precinct, they will reject the ballot.⁵⁹

Voters with rejected ballots will be notified via mail.⁶⁰

HOW TO VOTE: IN-PERSON EARLY VOTING (in this state defined as: Early voting)

25. **AVAILABILITY:** Is there early voting in my state (whether called early voting or in person absentee voting)?

Yes. In Tennessee, early in person voting is available for all registered voters.⁶¹ Early voting by mail (absentee by-mail voting) is available for individuals who meet certain criteria. See <u>Question #32</u>.

26. ELIGIBILITY: Do I have to have a reason to vote early?

Any registered voter can vote early in person. Only voters meeting certain criteria may vote early by mail (absentee by-mail). See <u>Question #32</u>.

27. WHEN: When does early voting begin/end?

The early in person voting period begins twenty (20) days before an election and ends five (5) days before an election. Each county elections office posts its own hours (schedule) for when polls are open during this period. There is no early voting on Sundays or holidays.⁶² The state's early voting guide is available at <u>How to Early Vote - In Person | Tennessee Secretary of State</u>.

⁵⁸ TN Code § 2-7-112(a)(3)(C).

⁵⁹ TN Code § 2-7-112(a)(3)(B).

⁶⁰ TN Code § 2-7-112(a)(3)(B).

⁶¹ TN Code § 2-6-102.

⁶² TN Code § 2-6-102. Note: For a Presidential Preference Primary, early voting ends seven (7) days before the primary.

For the Thursday August 1, 2024, State and Federal Primary and State and County General Election, Tennessee's early voting period begins Friday, July 12, 2024 and ends Saturday, July 27, 2024.

For the Tuesday, November 5, 2024, State and Federal General Election, the early voting period begins Wednesday, October 16, 2024 and ends Thursday, October 31, 2024.

Early in person voting dates and hours within this period vary by county. Details on early voting locations and times are available from the <u>county election commission</u>.

Voters can find their early voting times and location(s) by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u>.

28. WHERE: Where do I vote during early voting?

Voters can find their early voting times and location(s) by using the state <u>Voter Registration Lookup</u> tool or the <u>GoVoteTN App</u>. Details on early voting locations and times are available from the <u>county election</u> <u>commission</u>.

29. IDENTIFICATION: What identification is required for early voting? What if I don't have an ID?

The identification requirements are the same for voters participating in early in person voting as for voting in person on Election Day. See <u>Question #19</u>.

30. ASSISTANCE: What if I need assistance voting early in person?

Persons voting early are entitled to the same assistance as those voting in person on Election Day.⁶³ See <u>Questions #76-81</u>.

If a voter is so disabled that they cannot write a signature or make a mark where required, the action of the person who offers assistance shall be witnessed by one (1) additional person. Both the person giving assistance and the witness shall sign their names and provide their address. A person convicted of voter fraud in any state shall not assist a person in casting a vote.⁶⁴

For questions regarding early voting procedures and physical accessibility of early voting locations, voters should contact their local <u>county election commission</u> office.

HOW TO VOTE: VOTE BY MAIL

(in this state defined as: Absentee By-Mail voting)

31. AUTOMATIC MAIL BALLOT: Will I automatically be sent a ballot in the mail?

No. Tennessee voters eligible to vote absentee by-mail must submit an Absentee By-Mail application requesting an absentee ballot.

⁶³ TN Code § 2-6-105.

⁶⁴ TN Code § 2-6-105-106.

Absentee by-mail ballots must be requested no earlier than ninety (90) days before the election and no later than seven (7) days before the election.⁶⁵ For the Tuesday, November 5, 2024 State and Federal General, the request deadline for absentee ballots is October 29, 2024.

Voters who have submitted documentation that qualifies them for the permanent absentee list will automatically receive an application for an absentee by-mail ballot for each election. To qualify for the permanent absentee list, the voter's licensed physician must sign a statement stating that, in their judgment, the voter is medically unable to vote in person. The statement must be filed not less than seven (7) days before the election and signed under the penalty of perjury. See <u>Physician's Statement</u> for the Tennessee Secretary of State's form for this purpose.⁶⁶

Once on the permanent absentee list, voters do not need to resubmit the physician's statement for subsequent elections but do need to complete and return the absentee by-mail application for each election.

Detailed information on absentee voting is available at <u>Guide to Absentee Voting | Tennessee Secretary</u> of <u>State</u>.

32. ELIGIBILITY: Do I need a specific reason to vote by mail?

Yes. A voter can vote absentee by-mail only if they qualify under one of the following categories:⁶⁷

- Sixty (60) years of age or older;
- Outside the county where they are registered during all hours of the early voting period and all day on Election Day;
- Hospitalized, ill or physically disabled, and because of such condition, are unable to appear at their polling place. A physician's statement is *not* required to check this box.
- They are hospitalized, ill or physically disabled and unable to appear at their polling place to vote. A physician's statement is not required to check this box.
- Caretaker of a person who is hospitalized, ill or disabled. A physician's statement is *not* required to check this box.
- Full-time student in an accredited college or university outside the county where they are registered, or the spouse of such full-time student.
- Reside in a nursing home, assisted living facility or home for the aged *outside* your county of residence.
- Candidate for office in the election.
- Observing a religious holiday that prevents them from voting in person during the early voting period and on Election Day.
- Serving as an election official or as a member or employee of the election commission on Election Day.
- Serving on jury duty that will prevent them from voting in person.
- Voter with a physical disability and an inaccessible polling place.
- Voter or voter's spouse possess a valid commercial driver's license (CDL) or Transportation Worker Identification Credential (TWIC) card and license/cardholder will be working outside the state or county of registration during the open hours of early voting and Election Day, and have

⁶⁵ <u>https://sos.tn.gov/elections/guides/guide-to-absentee-voting</u>

⁶⁶ TN Code § 2-6-201(3)

⁶⁷ TN Code § 2-6-201.

no specific out-of-county or out-of-state address to which mail may be sent or received during such time.

- Member of the military or are an overseas citizen.
- Voter is on the permanent absentee list (medically unable to vote in person as documented by a signed statement from the voter's physician, see <u>Question #31</u>).

NOTE: *First Time Voters* who registered by mail or online are not eligible to vote absentee by-mail and *must* appear in person to vote, *unless* they are permanent absentee voters, enrolled in the Safe at Home program, or have previously voted in the county of registration. (See <u>Questions #4, #19</u>).

NOTE: *Residents of a licensed nursing home, assisted living facility, home for the aged, or an independent living facility* on the same property as a licensed nursing home, assisted living facility, or home for the aged <u>inside the voter's county of residence⁶⁸ may not vote absentee by-mail</u>. Election officials will come to the facility for *absentee in person* voting by eligible residents, or the voter may vote in person during early voting or on Election Day. County election commissions may begin voting at these facilities twenty-seven (27) days before an election.⁶⁹ Impacted voters can contact their <u>county election commission</u> for more information on when absentee voting deputies are scheduled to visit their facility before the election. Such information may also be available from the voter's facility of residence.

NOTE: Some Tennessee municipalities allow otherwise eligible *Non-Resident Property Owners* to vote in municipal elections even if they live elsewhere (where they are also registered to vote). See <u>Question #4</u>.

Some municipalities require non-resident property owners to cast their municipal ballot using absentee by mail voting only.⁷⁰ Impacted voters should consult the county election commission office or the city attorney of the municipality in which property is owned for further information.

33. APPLICATION DEADLINE: What is the deadline for requesting a mail-in ballot?

The completed Absentee By-Mail application must be received by the election commission no earlier than ninety (90) days before the election and no later than seven (7) days before the election.⁷¹ There are no allowances for late requests. For the Tuesday, November 5, 2024 State and Federal General, the request deadline for absentee ballots is October 29, 2024.

The application is available at <u>Absentee By-Mail Ballot Application</u> on the <u>Guide to Absentee Voting</u>. The statute sets forth standards for submitting an application if the form is not available.⁷²

34. APPLICATION ASSISTANCE: Can someone assist me with filling out the application?

Yes. The voter may have anyone the voter chooses write the voter's request for an absentee by-mail ballot, except for the voter's signature or mark.⁷³

⁶⁸ If the institution is outside of the county of residence, the voter may vote like any other voter outside or their county of residence.

⁶⁹ TN Code § 2-6-601.

⁷⁰ TN Code § 2-6-205.

⁷¹ TN Code § 2-6-202.

⁷² TN Code § 2-6-202(a)(3); https://sos.tn.gov/elections/guides/guide-to-absentee-voting.

⁷³ TN Code § 2-6-203.

If the voter is unable to sign the application, the signature of the person assisting the voter must be witnessed. If the voter is able to sign the application, assistance signatures are not required. See <u>Absentee By-Mail Ballot Application</u>. Note that If the voter is unable to sign the application due to a disability, the voter has the option to submit a <u>Print Disability Absentee Ballot Request</u>,⁷⁴ which will provide an accessible ballot.

Persons convicted of voter fraud in any state are prohibited from assisting a person in voting by absentee ballot.⁷⁵

35. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?

The application may be submitted by mail, fax or email to the voter's <u>county election commission</u>. If emailed, the voter must scan and attach the completed form to the email.

The completed application must be received by the election commission no later than seven (7) days before the election. <u>Postmark is not relevant</u>. There are no allowances for late requests. For the Tuesday, November 5, 2024 State and Federal General, the request deadline for absentee ballots is October 29, 2024.

The application is available at <u>Absentee By-Mail Ballot Application</u> on the <u>Guide to Absentee Voting</u>.

36. **IDENTIFICATION:** Are there identification requirements when I return my mail-in ballot application and/or ballot?

Voters are not required to submit photo ID when submitting their absentee by-mail applications or returning their absentee by-mail ballots. See <u>Question #20</u>.

37. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

The ballot may be mailed to an address that is different from the voter's home address. A home address is not required. For absentee by-mail ballots, voters need to provide a mailing address at which the voter can receive mail. For example, the voter may provide the address of a shelter or a family member or friend who agrees to receive the mail. Absentee by-mail ballot materials cannot be mailed to "General Delivery."⁷⁶

38. MISSED THE APPLICATION DEADLINE: What if I have not requested a mail-in ballot by the deadline?

If a voter has not requested a mail-in ballot by the deadline, they will be unable to vote absentee unless they qualify for an emergency absentee ballot. See <u>Question # 52</u>. However, they can still vote in person during early voting or on election day.

39. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or mail-in ballot?

⁷⁴ TN Code § 2-6-702;

⁷⁵ TN Code § 2-6-207.

⁷⁶ TN Code § 2-6-202.

Voters may check the status of their absentee ballot by using the Tennessee voter <u>Voter Registration</u> <u>Lookup</u> tool.⁷⁷ The tool provides information on when the voter's absentee by-mail ballot was received by the local county election commission office.

40. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

Voters will receive written notice of rejected absentee ballot applications and absentee ballots with a reason for the rejection.⁷⁸ If the absentee ballot application is rejected due to missing information, a voter can resubmit the absentee by-mail ballot application with the required information.

Resubmitted applications must be received by the election commission no later than seven (7) days before the election. For the Tuesday, November 5, 2024 State and Federal General, the request deadline for absentee ballots is October 29, 2024.

41. COMPLETING BALLOT: How do I complete the mail-in ballot?

After receiving the absentee by-mail ballot, the voter should fill it out and sign the appropriate related affidavit, and return the absentee ballot by mail. There must be a wet ink signature on the absentee ballot submitted (no digital signatures). Voter signatures on absentee ballots will be compared to the voter signature on record.⁷⁹

42. ASSISTANCE COMPLETING BALLOT: Can someone assist me in filling out my ballot?

Yes. A voter may have anyone the voter chooses to assist in filling out the voter's absentee ballot, except for the voter's signature or mark.⁸⁰ Note that voters with print disabilities (i.e. unable to write) may submit a <u>Print Disability Absentee Ballot Request</u>,⁸¹ which will provide an accessible ballot.

If an applicant or voter is so disabled that the applicant or voter cannot write a signature or make a mark where required, the action of the person who offers assistance shall be witnessed by one (1) additional person. Both the person giving assistance and the witness shall sign their names and provide their addresses.⁸²

Persons convicted of voter fraud in any state are prohibited from assisting a person in voting by absentee ballot.⁸³

43. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?

⁷⁷ https://sos.tn.gov/node/170

⁷⁸ TN Code § 2-6-204.

⁷⁹ TN Code §§ 2-6-202, 309, 702

⁸⁰ TN Code § 2-6-203.

⁸¹ TN Code § 2-6-702;

⁸² TN Code §§ 2-6-106, 309, 702; https://sos.tn.gov/elections/guides/guide-to-absentee-voting.

⁸³ TN Code § 2-6-106.

Voters must mail their ballot in time for their county election commission to *receive* it no later than the close of polls on Election Day. <u>Postmark is not relevant</u>. Absentee by-mail voters must return their ballot by mail (USPS, FedEx, UPS, etc.). Voters may *not* drop off their completed absentee by-mail ballot in person. See <u>Guide to Absentee Voting | Tennessee Secretary of State</u>

44. BALLOT DROP OFF LOCATIONS: What are the locations for dropping off a ballot (instead of mailing it)?

In person return of completed absentee by-mail ballots is not permitted. Absentee by-mail ballots must be returned by mail.⁸⁴ See <u>Guide to Absentee Voting | Tennessee Secretary of State</u>

45. ASSISTANCE DROPPING OFF BALLOT: Can someone else drop off my completed ballot for me?

In person return of completed absentee by-mail ballots is not permitted. Absentee by-mail ballots must be returned by mail.

46. LOST OR SPOILED BALLOT: What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

Voters should notify their <u>county election commission</u>. Voters who have requested or received a by-mail ballot may vote in person by provisional ballot on election day.⁸⁵

47. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?

Voters should notify their <u>county election commission</u>. Voters who have requested or received a by-mail ballot may vote in person by provisional ballot on election day, if they have not cast the absentee ballot.⁸⁶

48. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

Voters who have requested or received a mail-in ballot, but have not voted with it, may vote in person by provisional ballot on election day.⁸⁷

HOW TO VOTE: ABSENTEE

(in this state defined as: Absentee by-mail *see Q49 note & Q52 for additional absentee ballot programs*)

49. ELIGIBILITY: Am I eligible to request an absentee ballot?

A voter can vote absentee by-mail only if they are within a specified category. See Question #32.

⁸⁴ https://sos.tn.gov/elections/guides/guide-to-absentee-voting

⁸⁵ TN Code § 2-7-112(a)(3)(A)(i).

⁸⁶ TN Code § 2-7-112(a)(3)(A)(i).

⁸⁷ TN Code § 2-7-112(a)(3)(A)(i).

NOTE: **Residents of a licensed nursing home, assisted living facility, home for the aged, or an independent living facility** on the same property as a licensed nursing home, assisted living facility, or home for the aged inside the voter's county of residence *may not vote absentee by-mail*. See <u>Question</u> <u>#32</u>.

50. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?

See <u>Question #33</u>.

51. IDENTIFICATION: Are there any identification requirements?

See <u>Question #36</u>.

52. EMERGENCY: Is there an emergency absentee ballot? If so, am I eligible?

Yes. Persons who have been <u>hospitalized</u> in their county of residence within twenty (20) days of an election, and who will be unable to vote in person on election day, may request the services of an emergency registrar in order to cast a ballot. Such requests may be made no more than twenty (20) days before the election and no later than the opening of the polls on election day.⁸⁸ Photo ID is not required.⁸⁹ Voters should contact their <u>county elections commission</u> for information on local emergency registrar processes.

In addition, absentee by personal appearance procedures are available for persons who will be unable to vote on election day <u>due to a death of a relative</u> of the voter that would result in the voter's absence from the county on election day, or if If the voter receives <u>a subpoena or service of process requiring the voter's presence on election day</u>. In such circumstances, the voter must provide reasonable proof at the elections commission not more than five (5) days or later than the day prior to the election.⁹⁰

53. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?

See <u>Question #35</u>.

54. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?

See <u>Question #39</u>.

55. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

See <u>Question #40</u>.

56. COMPLETING BALLOT: How do I complete the absentee ballot?

See <u>Question #41</u>.

⁸⁸ TN Code § 2-6-401.

⁸⁹ TN Code 2-7-112(a)(1)(A).

⁹⁰ TN Code § 2-6-401.

57. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?

See <u>Question #42</u>.

58. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

See <u>Question #43</u>.

59. BALLOT DROP OFF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?

See <u>Question #44</u>.

60. ASSISTANCE DROPPING OFF: Can someone else drop off my completed ballot for me?

See Question #45.

61. LOST OR SPOILED: What if I lost my absentee ballot or it is spoiled or I received an incorrect one?

See <u>Question #46</u>.

62. NON-RECEIPT OF BALLOT: What if I requested an absentee ballot but have not received it? Can I do anything?

See <u>Question #47</u>.

63. IN PERSON OPTION: What if I requested an absentee ballot but I want to vote in person on Election Day?

See <u>Question #48</u>.

64. IN PERSON ABSENTEE: Where do I vote in-person absentee? When can I do this?

In Tennessee, in person absentee voting is known as Early Voting. Tennessee allows any registered voter to vote during the early in person voting period. See Early In Person Voting section beginning at <u>Question</u> <u>#25</u>.

POLLING PLACE ISSUES

65. POLLING PLACE NOT OPEN: The polling place is not open. What should I do?

If the polling place is not open, is not open on time, or is closed during the county's official voting hours, the voter should contact their <u>county election commission</u> immediately.

Election Day polling place opening and closing hours vary by county. See <u>Question #15</u>.

66. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?

Tennessee law requires that everyone in line before the time at which the polls close be allowed to vote regardless of when the polls opened.⁹¹ See <u>Question #18</u>

Voters who are in line to vote before the polls close and are told they will not be able to vote should remain in line.

67. EQUIPMENT FAILURE: What should I do if there are equipment problems at my precinct?

Voters should immediately notify the election officials at the voting site if the voting equipment breaks down. Voters should be permitted to vote at a different machine, or if there are insufficient machines, paper ballots should be provided.⁹²

If a voting machine stops working while in use, the ballot will be cleared. The voter may then vote on another machine or by paper ballot as determined by election officials present.⁹³

68. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? What counts as campaigning or electioneering? Can people approach me?

No campaigning of any kind (e.g. posters, signs, solicitation) is allowed within one hundred (100) feet of the entrance of any polling place. The officer of elections at the polling place should post signs identifying that boundary. Voters should not be approached about an election campaign within this radius. Campaigning or electioneering consists of displaying signs, posters or campaign materials, distribution of campaign materials, and solicitation of votes for or against any person, party, or position.⁹⁴

69. **VOTER CONDUCT:** What am I prohibited from wearing or doing in a polling place? Can I take photos inside?

Voters cannot wear campaign-related clothing or paraphernalia within one-hundred feet of the polling place.⁹⁵

Voters cannot have telephone conversations, record videos or audio, or take photographs while inside a polling place.⁹⁶

70. POLL WORKER CONDUCT: What is a poll worker prohibited from wearing or doing in a polling place?

Poll workers cannot wear campaign-related clothing or paraphernalia within one hundred feet of the polling place.⁹⁷ This prohibition applies to anyone within one hundred feet of the polling place.

⁹² TN Code § 2-7-119.

- ⁹⁵ TN Code § 2-7-111.
- ⁹⁶ TN Code § 2-7-142.

⁹¹ TN Code § 2-7-127.

⁹³ TN Code § 2-7-119.

⁹⁴ TN Code § 2-7-111.

⁹⁷ TN Code § 2-7-111.

The officer of elections will require election officials to wear badges with their names and titles.⁹⁸

71. **INTIMIDATION:** Are there any other specific restrictions on conduct outside of a polling place? What should I do if I feel unsafe or uncomfortable outside the polling place?

Voter intimidation is illegal under Tennessee law. The use of force or threats, or in any manner, use intimidation to compel a person to vote or to vote a certain way is a Class A Misdemeanor.⁹⁹

If a voter feels unsafe or uncomfortable inside or outside the polling place, they should tell an election official at the polling place, ask to speak to the polling place's officer of elections, or contact their <u>county</u> <u>election commission</u>.

72. CHALLENGE: Someone is formally challenging my vote. What should I do?

If a voter's registration is challenged, the voter may be required to answer questions under oath. See <u>Question #14</u>.

A voter's registration may be challenged only on the grounds that the person:¹⁰⁰

- Is not a registered voter in Tennessee and did not vote a provisional ballot;
- Is not a resident of the precinct where the person seeks to vote;
- Is not the registered voter under whose name the person has applied to vote;
- Has already voted in the election; or
- Has become ineligible to vote in the election being conducted at the polling place since the person registered.
- 73. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

No police or law enforcement personnel can be within ten (10) feet of any polling place or enter any polling place unless requested to do so by an election official, to make an arrest, or to vote.¹⁰¹ A voter at a polling place may raise their concerns and questions with the officer of elections at the polling place.

74. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?

If a voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but their eligibility cannot be determined, the voter shall be entitled to vote with a provisional ballot after completing an original voter registration application and supplying verification of the voter's residential address.¹⁰² See information on provisional ballots in the How to Vote: Election Day section beginning at <u>Question 22</u>.

⁹⁸ TN Code § 2-7-111.

⁹⁹ TN Code § 2-19-115

¹⁰⁰ TN Code § 2-7-124.

¹⁰¹ TN Code § 2-7-103(c).

¹⁰² TN Code § 2-7-112(a)(3)(A).

If a voter's registration status is inactive status because of a failure to respond to a confirmation notice¹⁰³ sent by the county elections commission, and the voter has not moved or has moved within the county of registration, the voter will be required to make a written affirmation of their current address and that the voter is entitled to vote before voting. The voter may then vote using the same method as any other voter at the polling place.¹⁰⁴

75. PROVISIONAL BALLOT: I have been offered a provisional ballot. What should I do?

See information on provisional ballots in the How to Vote: Election Day section, beginning at <u>Question</u> <u>22</u>.

. Provisional ballots should only be provided if:¹⁰⁵

- The voter's eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission;
- An election official asserts that the individual is not eligible to vote (i.e., a challenge);
- The voter requested an absentee ballot; or
- The voter is unable to present evidence of identification unless entitled to an exemption (see <u>Question #20</u>)

Other than for these reasons, the voter should be able to cast a regular ballot and should request a regular ballot.

ACCESSIBILITY/ASSISTANCE

76. EQUIPMENT ASSISTANCE: I don't know how to use the voting equipment. Can I get help?

Voters have the right to request that the machine operator or a polling official tell the voter the order of the offices on the ballot and how to operate the machine.¹⁰⁶

77. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

If a voter has a physical disability and their assigned polling place is inaccessible to them, they may request an absentee by-mail ballot in advance of the election. See <u>Question #32</u>. Absentee by-mail ballots must be requested no later than seven (7) days prior to the election.

Alternatively, the voter may vote at an early in person voting location that is accessible to them. See <u>Questions 25-30</u>.

¹⁰³ TN Code § 2-2-106.

¹⁰⁴ TN Code § 2-7-141.

¹⁰⁵ TN Code § 2-7-112(a)(3)(A).

¹⁰⁶ TN Code § 2-7-113.

A voter, who is physically disabled or who is visibly pregnant or frail, may request the officer of elections at the polling place for permission to be moved to the front of any line. In accordance with policies and procedures promulgated by the state coordinator of elections and at the discretion of the officer of elections, the requesting voter may be moved to the front of any line at the polling place.¹⁰⁷

If the voter arrives at their polling location on election day and finds it inaccessible to them, they should ask for assistance from the onsite officer of elections. Tennessee has no laws or policies allowing curbside voting.

78. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Any voter who claims that they cannot mark the ballot due to illiteracy, physical disability, or blindness, may, upon a judge's judgment that they are unable to mark the ballot or are blind, have the ballot marked by any person of the voter's selection or by one of the judges of the voter's choice in the presence of either a judge of a different political party or, if such judge is not available, an election official of a different political party. A person convicted of voter fraud in any state shall not assist a person in casting a vote.¹⁰⁸

79. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

Voters who are unable to speak or read English can be assisted by a person of the voter's selection or by a judge. Selections made by a judge must be done in the presence of a second judge from a different political party (or, if not available, an election official of a different political party).¹⁰⁹

80. CURBSIDE VOTING: Is curbside voting available? How do I request it?

No. Tennessee does not provide curbside voting.

81. VOTER GUIDE: Can I bring a voting guide or reference notes with me into the voting booth?

Yes. Voters may bring a voting guide or reference notes into the voting booth. Voters may also bring an electronic device for informational purposes to assist the voter in making election decisions, but they may be asked to silence the device.¹¹⁰ Tennessee law allows voters to use the <u>GoVoteTN App</u> inside polling locations.

STATE SPECIFIC SUPPLEMENT

82. QUESTIONS: Who should I contact if I have questions about any of the above?

County election commission contact information is available at Tennessee Secretary of State: Division of

¹⁰⁷ TN Code § 2-7-116.

¹⁰⁸ TN Code § 2-7-116.

¹⁰⁹ TN Code § 2-7-116.

¹¹⁰ TN Code § 2-7-142.

Election: Election Commissions.

The Tennessee Secretary of State's Division of Elections website homepage is available at <u>https://sos.tn.gov/elections</u> and FAQs are available at <u>https://sos.tn.gov/elections/faqs</u>.

Key election dates are available on the Secretary of State's Elections Calendar.

The Secretary of State's calendar page includes a list of <u>2024 Local Elections Dates by County</u>.

Voters may contact Tennessee's Division of Elections at 615-741-7956 or 877-850-4959, or <u>Tennessee.Elections@tn.gov</u>. The state's voter fraud hotline number is 1-877-850-4959.