**ABSENTEE BALLOTS**

**I.** **Title**

This Title shall cover provisions for absentee ballots in all elections occurring in [state].

**II.** **Eligibility to Vote Absentee**

A. In-person voting is the preferred method of voting within [state] and shall be utilized except as outlined in paragraph 2 of this section.

B. Any qualified elector of this state may apply for and vote an absentee ballot if he or she makes application in writing not less than ten (10) days before Election Day [or in accordance with the U.S. Postal Service delivery standards for the state] and meets one or more of the following requirements:

1. The voter expects to be out of the jurisdiction on Election Day and on all Early Voting Days, or

2. The voter has a disability preventing his or her attendance at the polls.

**III.**  **Procedure for Requesting Absentee Ballot**

**A. Absentee Ballot Request Form**

1. A blank application to request an absentee ballot shall be sent to any qualified elector upon request and/or made available online, but no government official or entity shall send absentee ballot applications directly to any elector except upon the direct request of such elector, and no such application shall be prefilled with the elector’s required information.

2. No person or entity other than the elector, a person assisting a physically disabled elector with his or her application, a common carrier charged with returning the ballot application, an election official, or a law enforcement official in the course of an investigation shall handle or return an elector’s completed absentee ballot application.

3. The absentee ballot request form shall contain sufficient information to identify the applicant and shall include the applicant’s name, residence address, and such other information as is necessary to verify that the applicant is a registered voter.

4. Each application shall be manually signed by the applicant and, if he or she signs by mark, shall include the signature of a witness as well as the name, address, and telephone number of such witness.

5. No electronic signatures will be permitted for the purpose of requesting an absentee ballot.

6. Witnesses may not sign more than one absentee ballot request form per election unless doing so for an immediate family member. Immediate family members include:

a. Mother or father; stepmother or stepfather;

b. Spouse, child, stepchild, sibling, or stepsibling; or

c. Grandparent.

Violation of this provision will subject the witness to a civil penalty of $\_\_\_\_ per offense.

7. The application may be handed by the applicant to an election official or forwarded by United States mail or by commercial carrier.

8. Voters requesting an absentee ballot shall submit with the application a copy of one of the forms of identification listed below. An absentee ballot shall not be issued unless the required identification is submitted with the signed absentee ballot application.

All acceptable forms of photo identification should clearly note whether the voter is a citizen if the ID is issued to both citizens and noncitizens. Any alternative or exception to the following forms of identification, including affidavits submitted as identification, are prohibited.

a. A driver’s license;

b. A state non-driver’s ID card;

c. A current (non-expired) U.S. passport;

d. A United States military ID;

e. A tribal government ID;

f. An ID issued by a state government; or

g. A college or university ID.

If an eligible voter has a state driver’s license or state non-driver’s ID card, in lieu of providing a photocopy of an ID, the applicant may provide the serial number of the driver’s license or non-driver’s ID card.

9. For those voters who cannot afford a government-issued ID, one shall be offered free of charge through the appropriate Department of Motor Vehicles. For individuals with physical or other disabilities that prevent them from acquiring a government-issued ID, the state shall provide appropriate transportation from the individual’s place of residence to the state ID office and back or shall provide such other assistance as is necessary to ensure that such individual receives a government-issued ID.

**B. Receipt of an Absentee Ballot Request Form**

1. Upon receipt of an application for an absentee ballot, if the applicant’s name and identifying information appear on the list of qualified voters, the signature has been successfully compared to the signature on file, and the applicant has met the ID requirement, election officials shall furnish an absentee ballot to the applicant.

2. Election officials shall maintain a list of absentee ballots provided to registered voters for each election and shall include the date the application for the absentee ballot was received. This list shall be provided to the appropriate tabulator for absentee ballots within each precinct.

3. County election offices should scan and provide absentee mail ballots or early ballot information to state election authorities within 24 hours of request, transmission, and return of all absentee or mail ballots.

4. The request for absentee mail ballot, transmission, or return receipt of absentee mail or early ballot information from locality or county election offices should be uploaded or transmitted to state election databases electronically and made available to political campaigns or the public for review.

5. The voter registration systems at the local and state level must allow for real-time reporting of absentee mail ballot requests, transmittal and receipt of ballots, or the check-in of early voters.

**IV.** **Procedure for Voting by Absentee Ballot**

**A. Absentee Ballots**

1. Absentee ballot return envelopes must attach an affidavit signed by the voter. Such affidavit must contain the signature of a witness or a notary public or other official authorized to acknowledge oaths.

a. If a voter chooses to submit a witness signature, the printed name, address, and telephone number of the witness must be included.

b. Witnesses shall not sign more than one absentee ballot per election, except as provided in IV.A.1.c.

c. A witness may sign the absentee ballots of multiple immediate family members as provided in III.A.6.

2. Together with the absentee ballot and affidavit, absentee voters must submit a copy of one valid form of identification or the serial number of a state driver’s license or non-driver’s ID. Absentee ballot return envelopes not complying with this ID requirement shall not be counted.

3. Affidavit envelopes not signed by the voter and properly witnessed or notarized shall not be opened or counted.

4. Each precinct shall provide a bipartisan team of election officials to assist individuals who are seeking to cast an absentee ballot from a hospital, nursing home, or other such facility or who, due to physical limitation or handicap, require assistance in returning an absentee ballot in the appropriate format.

**B. Undeliverable Absentee Ballot Request Forms and Absentee Ballots**

If an absentee ballot request form or an absentee ballot sent to a registered elector is returned by the United States Postal Service as undeliverable, election officials must investigate the voter’s registration to determine the eligibility, qualifications, and validity of the voter’s registration and registration address.

**V. Permanent Absentee Lists Prohibited**

A. Under no circumstances shall election officials:

1. maintain a permanent absentee ballot list for the purpose of automatically sending either ballot request forms or absentee ballots; and

2. automatically mail either ballot request forms or absentee ballots to all registered voters.

B. Each individual who plans to vote absentee must submit an absentee ballot request form for each election in which he or she wishes to vote.

**[Drop boxes are not encouraged, but if a state insists on providing them, here are specific provisions for them]**

**VI. Drop Boxes Permitted**

A. Counties must locate absentee ballot drop boxes for electors to return absentee ballots in government buildings and advance voting locations that can be accessed only during such times as those locations are open to the public.

B. Ballot drop boxes must:

1. Be located in a secure government building under 24-hour security by an election official, his or her designee, a law enforcement official, or a licensed security guard;

2. Be adequately lit;

3. Be under constant video surveillance, a copy of which must be made available upon request within 24 hours of receipt of such request; and

4. Not be used for any purpose other than the collection of absentee ballots.

C. The opening slot of any drop box shall not allow ballots to be tampered with or removed and shall be designed to minimize the ability for liquid or other substances to be poured into the drop box. Each drop box must be monitored by an election official when the box is available to the public to ensure that no individual drops off more than the number of absentee ballots permitted by law.

D. Each drop box shall be labeled “OFFICIAL ABSENTEE BALLOT DROP BOX” and shall clearly display the rules contained in the state regarding the identity of individuals who are permitted to return absentee ballots, as well as information on the penalties for destroying, defacing, or delaying delivery of ballots.

E. All absentee ballots deposited in such drop boxes shall be collected at the conclusion of each day where voting takes place.

1. Collection of ballots from a drop box shall be made by a team of at least two election officials.

2. The collection team shall complete and sign a ballot transfer form upon removing the ballots from the drop box that shall include the date, time, location, number of ballots, confirmation that the drop box was locked after the removal of the ballots, and the identity of each person collecting the ballots. The collection team shall then immediately transfer the ballots to the secure location where absentee ballots returned by mail are processed and stored.

F. At the beginning of voting at each location where a drop box is present, the election official monitoring the drop box shall confirm that the drop box is empty. If the drop box is not empty, the manager shall secure the contents of the drop box and immediately inform his or her superiors, who shall inform the state’s chief election official. Such ballots shall remain segregated from all other ballots.

**VII. Receipt of Absentee Ballots**

A. Absentee ballots must be received by the time the polls close on Election Day.

B. Upon receipt of the absentee ballot by any means permitted herein, the election authority shall record its receipt and shall store the ballot safely and securely without breaking the seal of the affidavit envelope. The absentee ballot containers in the possession of the appropriate election authority shall remain sealed until such time as counting begins.

C. The counting of absentee ballots shall begin on the day of the election for which the absentee ballots have been submitted and only after the closing of the polls. Such counting shall continue uninterrupted until all ballots appropriately submitted have been tabulated. Should extreme or unforeseen circumstances require suspension of the vote count, the appropriate election officials shall notify the public and the state’s chief election official of the suspension, the reason for the suspension, and the exact time the vote count will resume as soon as possible.

D. Election officials shall examine each affidavit envelope to determine:

1. Whether the signature of the voter has been appropriately notarized or witnessed and any witness has provided a signature, printed name, address, and phone number;

2. Whether the identification requirement has been met; and

3. Whether the voter’s signature on the absentee ballot matches the signature in the registration files. If signature comparison software is used, it must be set to an accuracy rate of at least 95%.

4. No poll worker or other election official shall open an affidavit envelope if the voter’s affidavit signature or mark is not properly notarized or witnessed as set forth in this chapter, and no ballot envelope or ballot therein may be removed or counted.

5. No poll worker or other election official shall open an affidavit envelope if the envelope indicates that the ballot is unverified or the affidavit printed thereon is unsigned by the voter or unmarked, and no ballot envelope or ballot therein may be removed or counted.

E. If all of these requirements have been complied with and the information in the affidavit establishes that the voter is entitled to vote by absentee ballot, the election officials shall then certify the findings, open each affidavit envelope, and deposit the plain envelope containing the absentee ballot into a sealed ballot box.

**VIII. Use of Barcodes**

A. Absentee ballots shall have a watermark on the ballot as well as a unique barcode or microchip within each absentee ballot to trigger an electronic or software notification that a ballot is being counted by a computer scanner and cannot be counted again. Such barcode or microchip shall not identify the voter who has used that absentee ballot.

B. All envelopes used to send voters blank absentee ballots as well as the envelopes provided to voters to mail back their completed absentee ballots shall also contain a unique barcode or microchip that can be used to track the progress of such ballot envelopes through the United States Postal Service.