

**Local Government Committee 1**

**Amendment No. 1 to HB1040**

**Wirgau  
Signature of Sponsor**

**AMEND Senate Bill No. 517\***

**House Bill No. 1040**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-7-142, is amended by deleting the section in its entirety and substituting instead the following:

(a) Except as otherwise provided in subsection (b), a county election commission shall not prohibit a voter from using a mobile electronic or communication device at a polling place.

(b) A county election commission or its appointed election official may prohibit a voter from using a mobile electronic or communication device at a polling place only if the voter is using the device:

(1) For telephone conversations within ten feet (10') of any voting machine, ballot box, or voting booth;

(2) For telephone conversations while standing before an election official who is attempting to complete required documentation or perform required duties necessary to process the voter in the polling place;

(3) To discuss candidates or issues on the ballot in a manner that can be heard by another person present at the polling place;

(4) To produce audible sound or visible light or images in a manner that delays or disrupts other persons from engaging in the voting process;

(5) Without silencing the ringtone;

(6) To photograph or video or audio record persons in the polling place or activity in the polling place without the consent of the persons therein;

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(7) To intimidate those persons present at the polling place in a manner that violates § 2-19-115; or

(8) To photograph or video record a marked ballot in an effort to commit voter intimidation, voter fraud, or a violation of § 2-19-121, § 2-19-126, or § 2-19-127.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.