

SENATE BILL 5

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 2; Title 2, Chapter 7 and Section 55-50-
336, relative to identification requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-2-115(a), is amended by deleting the language "postal card" and by substituting instead the language "registration".

SECTION 2. Tennessee Code Annotated, Section 2-2-115(b)(2), is amended by deleting that subdivision in its entirety and by substituting instead the following:

(2) Printed registration forms shall include the following:

(A) The date the registrant signed the form;

(B) The given name of the registrant, middle name, if any, and surname;

(C) The complete address of the registrant's actual place of residence, including street name and number, apartment or space number, city or town and zip code, or such description of the location of the residence that it can be readily ascertained or identified;

(D) The complete mailing address of the registrant, if different from the registrant's residence address, including post office address, city or town, zip code or other designation used by the registrant for receiving mail;

(E) Party preference;

(F) Telephone number, unless unlisted;

(G) State or country of birth;

(H) Date of birth;

(I) Occupation;

- (J) Indian census number (at the option of the registrant);
- (K) Father's name or mother's maiden name;
- (L) The registrant's social security number;
- (M) A statement as to whether or not the registrant is currently registered in another state, county or precinct, and if so, the name, address, county and state of previous registration;
- (N) A statement that the registrant is a citizen of the United States;
- (O) A statement that the registrant will be eighteen (18) years of age on or before the date of the next general election;
- (P) A statement that the registrant has not been convicted of treason or a felony, or if so, that the registrant's civil rights have been restored;
- (Q) A statement that the registrant is a resident of this state and of the county in which the registrant is registering;
- (R) The signature of the registrant;
- (S) If the registrant is unable to sign the form, a statement that the affidavit was completed according to the registrant's direction;
- (T) A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (U) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and
- (V) A statement that the applicant shall submit evidence of United States citizenship with the application and that the registrar shall reject the application if no evidence of citizenship is attached.

SECTION 3. Tennessee Code Annotated, Section 2-2-116, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) The permanent registration record shall include all information required to be contained on or submitted with the registration form pursuant to § 2-2-115, and shall be signed by the registrant and witnessed by the administrator of elections or the administrator's designee, and shall include the following statement of the registrant:

"I, being duly sworn on oath (or affirmation) declare that I am a citizen of the United States, that the above address is my legal residence, and that I plan to remain at such residence for an undetermined period of time. To the best of my knowledge and belief all of the foregoing statements made by me are true."

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 2, Part 1, is amended by inserting the following as a new section thereto:

Section 2-2-141.

(a) The administrator of elections shall reject any application for registration that is not accompanied by satisfactory evidence of United States citizenship. Satisfactory evidence of citizenship shall include any of the following:

(1) The number of the applicant's driver license issued by the department of safety or a driver license, driver certificate, or non-operating identification license issued by the equivalent governmental agency of another state within the United States if the agency indicates on the applicant's driver license, driver certificate or non-operating identification license that the person has provided satisfactory proof of United States citizenship;

(2) A legible photocopy of the applicant's birth certificate that verifies citizenship to the satisfaction of the administrator of elections;

(3) A legible photocopy of pertinent pages of the applicant's United States passport identifying the applicant and the applicant's passport number, or presentation to the administrator of elections of the applicant's United States passport;

(4) Presentation to the administrator of elections of the applicant's United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant shall not be included in the registration rolls until the number of the certificate of naturalization is verified with the United States immigration and naturalization service by the administrator of elections;

(5) Other documents or methods of proof that are established pursuant to the federal Immigration Reform and Control Act of 1986; or

(6) The applicant's federal Bureau of Indian Affairs card number, tribal treaty card number or tribal enrollment number.

(b) Notwithstanding subsection (a), any person who is registered in this state on the effective date of this section is deemed to have provided satisfactory evidence of citizenship and shall not be required to resubmit evidence of citizenship unless the person is changing voter registration from one county to another.

(c) For the purposes of this section, proof of voter registration from another state or county is not satisfactory evidence of citizenship.

(d) After citizenship has been demonstrated to the administrator of elections, the person is not required to resubmit satisfactory evidence of citizenship in that county.

(e) After a person has submitted satisfactory evidence of citizenship, the administrator of elections' recorder shall indicate this information in the person's

permanent voter file. After two (2) years the administrator of elections may destroy all documents that were submitted as evidence of citizenship.

SECTION 5. Tennessee Code Annotated, Section 2-7-112(a)(1), is amended by inserting the following language to immediately follow the first sentence of the subdivision:

In addition, the voter shall present to the registrar one (1) form of identification that bears the name, address and photograph of the voter or two (2) different forms of identification that bear the name and address of the voter.

SECTION 6. Tennessee Code Annotated, Section 2-7-112, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) For purposes of comparing the person's signature on the application for ballot, "evidence of identification" shall be:

(1) A Tennessee driver license;

(2) A valid identification card issued by a branch, department, agency or entity of the state of Tennessee, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the voter;

(3) A valid identification card issued pursuant to § 55-50-336;

(4) A valid United States passport;

(5) A valid employee identification card issued by a branch, department, agency or entity of the state of Tennessee, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the voter; or

(6) A valid United States military identification card, provided that such identification card contains a photograph of the voter.

SECTION 7. Tennessee Code Annotated, Section 2-7-112, is further amended by adding a new subsection thereto, as follows:

(e) If a voter is unable to present any evidence of identification specified in subsection (c), the voter shall be entitled to vote a provisional ballot under the procedures of this section. Such provisional ballot shall only be counted if the central provisional ballot counting board is able to verify current and valid identification of the voter as provided in subsection (c) and the voter has met all the requirements of provisional ballots as provided in subdivision (a)(3).

SECTION 8.

(a) If a voter does not have any of the identification described in § 2-7-112(c) and is unable to afford a valid identification card issued pursuant to § 55-50-336, such identification card shall be issued to the voter upon the voter's signing a pauper's oath.

(b) At the time a person files an application with the department of safety to obtain such card for the purposes described in subsection (a), the applicant shall file an accompanying affidavit of indigency in order to have any fees waived for such identification card.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.