

SENATE BILL 18

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 40, relative to voting rights.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-102, is amended by deleting the section and substituting instead the following:

A citizen of the United States eighteen (18) years of age or older who is a resident of this state is a qualified voter unless the citizen is:

- (1) Disqualified under this title;
- (2) Currently imprisoned in a penal institution, on probation, or on parole for a judgment of infamy; or
- (3) A person described in § 40-29-204.

SECTION 2. Tennessee Code Annotated, Section 2-2-106(a)(4), is amended by deleting subdivision (4) and substituting instead the following:

(4) Upon receiving information that a person has been convicted of an infamous crime that permanently deprives the person of the right to vote under § 40-29-204 from the state coordinator of elections, the district attorney general, United States attorney, clerk of the court that entered the conviction, or other source upon verification by the clerk of the convicting court; or

SECTION 3. Tennessee Code Annotated, Section 2-2-106, is amended by adding the following language as new subsections:

(i) Upon receiving information that a person has been convicted of an infamous crime as defined by § 40-20-112 from the state coordinator of elections, the district attorney general, United States attorney, clerk of the court that entered the conviction, or

other source upon verification by the clerk of the convicting court, the administrator of elections shall place the registration in suspended status. This subsection (i) does not apply to persons convicted of an infamous crime that permanently deprives the person of the right to vote under § 40-29-204.

(j) Voter registrations that are suspended pursuant to subsection (i) are not included in a county's total of registered voters. The administrator of elections shall report suspended voter registrations to the state coordinator of elections.

(k) The state coordinator of elections shall maintain a list of suspended voter registrations.

SECTION 4. Tennessee Code Annotated, Section 2-2-139, is amended by deleting the section and substituting instead the following:

(a) Any person who has temporarily forfeited the right to suffrage because of a conviction of an infamous crime may register to vote or reactivate their voter registration and vote at any election for which the person is eligible after the administrator of elections in the county in which the person is seeking to register to vote has confirmed that:

(1) The person has been pardoned of all infamous crimes and the person's full rights of citizenship, including the right of suffrage, have been restored;

(2) The person's voting rights have been restored; or

(3) An appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction, or convictions, of all infamous crimes.

(b) For purposes of subsection (a), a pardon or a certified copy of a judgment of a court of competent jurisdiction is sufficient proof to the administrator that the person

fulfills the above requirements as to the offense or offenses specified on the pardon or judgment; however, before allowing a person convicted of an infamous crime to become a registered voter or reactivate their voter registration, the administrator in each county shall verify with the state coordinator of elections that the person is eligible to register under this section.

(c) The state coordinator of elections may formulate a uniform procedure for automatically verifying the registration eligibility of any person convicted of an infamous crime. Upon receiving sufficient verification of such person's eligibility to register, the administrator shall allow such person to become a registered voter or reactivate their voter registration in the same manner and in accordance with the same laws or rules as any other citizen of the state.

(d) This section, relative to forfeiture, suspension, restoration, and reactivation of the right of suffrage for those persons convicted of infamous crimes, applies to those persons convicted of crimes prior to May 18, 1981, which are infamous crimes after May 18, 1981.

SECTION 5. Tennessee Code Annotated, Section 2-11-202(a), is amended by deleting subdivisions (16) and (17) and substituting instead:

(16) Devise and furnish to the clerks of the circuit and criminal courts a form to be used for notifying county election commissions of the fact that a registered voter in their county has been convicted of an infamous crime and therefore has a suspended voter registration, unless the felony is one described in § 40-29-204, in which case, the voter registration must be purged from the registration records. The form must include the voter's name, race, date of birth, and social security number, if available;

(17) Instruct the administrators in each county that they are to suspend the registration of any person who is registered to vote in their county when notified that the

person has been convicted of an infamous crime, unless the person is convicted of a felony described in § 40-29-204, in which case the administrators shall purge the registration;

SECTION 6. Tennessee Code Annotated, Section 2-11-202(a), is amended by adding the following as a new subdivision:

(20) Maintain a list of individuals whose voting rights have been suspended for conviction of an infamous crime and who are eligible for registration or reactivation of their voting rights.

SECTION 7. Tennessee Code Annotated, Section 40-20-112, is amended by deleting the section and substituting:

Upon conviction for any felony, the court shall issue a judgment that the defendant is infamous and is immediately suspended from exercising the right of suffrage; however, if the conviction is for a felony described in § 40-29-204, the court shall issue a judgment that the defendant is infamous and is immediately and permanently disqualified from exercising the right of suffrage. A person so convicted is not disqualified to testify in any action, civil or criminal, by reason of having been convicted of any felony, and the fact of conviction for any felony may only be used as a reflection upon the person's credibility as a witness.

SECTION 8. Tennessee Code Annotated, Section 40-29-202, is amended by deleting the section and substituting:

A person rendered infamous and temporarily deprived of the right of suffrage is eligible for automatic restoration of their voting rights upon:

(1) Receiving a pardon, except where the pardon contains special conditions pertaining to the right of suffrage;

(2) The discharge from custody by reason of service or expiration of the maximum sentence imposed by the court for the infamous crime; or

(3) Being granted a certificate of final discharge from supervision by the board of parole pursuant to § 40-28-105, or any equivalent discharge by another state, the federal government, or county correction authority.

SECTION 9. Tennessee Code Annotated, Section 40-29-203, is amended by deleting the section and substituting:

(a) A person who is eligible to apply for a voter registration card pursuant to § 40-29-202 may request a certificate of voting rights restoration upon a form prescribed by the coordinator of elections, from:

(1) The pardoning authority;

(2) The warden or an agent or officer of the incarcerating authority; or

(3) A parole officer or another agent or officer of the supervising authority.

(b) The issuing authority under subsection (a) shall complete the form for the person and submit the certificate to the state election coordinator who shall verify the certificate was issued in compliance with this section. Upon determining that the certificate complies with this section, the coordinator shall notify the appropriate administrator of elections and, after determining that the person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator shall grant the application for a voter registration card or reactivate the person's suspended voter registration.

(c) A certificate of voting rights restoration issued pursuant to subsection (a) is sufficient proof that the person named on the certificate is no longer disqualified from voting by reason of having been convicted of an infamous crime.

SECTION 10. This act takes effect July 1, 2021, the public welfare requiring it.