

SENATE BILL 352

By Norris

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 2, Part 1, relative to proof of citizenship
for registering to vote.

WHEREAS, the general assembly recognizes that the right to vote is the right of legal citizens; and

WHEREAS, it is of the utmost importance to ensure integrity in our elections within this state; and

WHEREAS, it is the intent of the general assembly that this act not contravene the National Voter Registration Act but rather help further the purposes of that act; now, therefore,

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

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

SECTION 3. 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) Registration forms shall include such matter as the coordinator of elections in consultation with the secretary of state requires to ascertain the qualifications of an individual applying to register under this section and to prevent fraudulent registration. The printed registration forms shall also include 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 4. Tennessee Code Annotated, Title 2, Chapter 2, Part 1, is amended by inserting the following as a new section thereto:

(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, but not be limited to, 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 nonoperating 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 nonoperating 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 U. S. Citizenship and Immigration Services 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) This section shall only apply to new registrations. 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.

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

(d) 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. It is the intent of the general assembly that this act apply to new registration forms and that any remaining printed forms to which this act applies shall be used until January 1, 2012, at which time the new forms shall be used. It is further the intent of the general assembly that the on-line registration forms contain any revised language as soon as reasonably possible.

SECTION 6. 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 7. This act shall take effect upon becoming a law, the public welfare requiring it.