

SENATE BILL 388

By Oliver

AN ACT to amend Tennessee Code Annotated,  
Section 2-2-102 and Title 40, Chapter 29, 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 subsection (a) and substituting:

(a) 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 40-29-101, is amended by deleting subsections (b) and (c) and substituting:

(b) Those pardoned, if the pardon does restore full rights of citizenship, may petition for restoration immediately after the pardon.

(c) A person convicted of an infamous crime may petition for restoration of full rights of citizenship upon the expiration of the sentence imposed for the infamous crime.

(d) Except as provided in § 40-29-204, a conviction for an infamous crime shall render a person ineligible to vote only while the person is currently imprisoned in a penal institution, serving parole, or on probation for that conviction.

SECTION 3. Tennessee Code Annotated, Section 40-29-105(b)(1)(A), is amended by deleting the subdivision and substituting:

(A) Receiving a pardon;

SECTION 4. Tennessee Code Annotated, Section 40-29-105(b)(2), is amended by deleting the subdivision and substituting instead the following:

(2) A conviction for an infamous crime shall render a person ineligible to vote only while the person is currently imprisoned in a penal institution, on parole, or on probation for that conviction; except that a person rendered infamous after July 1, 1986, by virtue of being convicted of one (1) of the following crimes, shall never be eligible to register and vote in this state:

(A) First degree murder;

(B) Aggravated rape;

(C) Treason; or

(D) Voter fraud;

SECTION 5. Tennessee Code Annotated, Section 40-29-105(b), is amended by deleting subdivisions (b)(5) and (6) in their entireties.

SECTION 6. Tennessee Code Annotated, Section 40-29-105(c)(2)(A), is amended by deleting the subdivision and substituting instead the following:

(A) A person receiving a pardon that restores full rights of citizenship may petition for restoration immediately upon receiving the pardon.

SECTION 7. Tennessee Code Annotated, Section 40-29-105(c)(7), is amended by deleting the subdivision and substituting instead the following:

(7) A conviction for an infamous crime shall render a person ineligible to vote only while the person is currently imprisoned in a penal institution, on parole, or on probation for that conviction; except that those persons described in § 40-29-204 shall never be eligible to vote in this state.

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

(a) A person convicted of an infamous crime will be rendered ineligible to vote only while imprisoned in a penal institution, on parole, or on probation for that conviction; except that those persons described in § 40-29-204 shall never be eligible to vote in this state.

(b) The right of suffrage for any person, including those rendered infamous and temporarily deprived of suffrage due to incarceration, probation, or parole for that conviction, shall not be further infringed or denied due to:

(1) The inability or failure to pay any monetary obligations, including, but not limited to, civil or criminal penalties; or

(2) The extension of a probationary period due to failure to pay monetary obligations or penalties.

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

(a) A person convicted of an infamous crime who becomes eligible to vote pursuant to § 40-29-202 upon completion of the person's sentence shall be issued a certificate of voting rights restoration upon a form prescribed by the coordinator of elections, by:

(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 shall supply the person being released with a written statement explaining the purpose and effect of the certificate of voting rights restoration

and explaining the procedure by which the person may use the certificate to apply for and receive a voter registration card.

(c) A certificate of voting rights restoration issued pursuant to subsection (a) shall be 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.

(d) A person issued a certificate of voting rights restoration pursuant to this section may submit the completed certificate to the administrator of elections of the county in which the person is eligible to vote as sufficient proof of rights restoration. If submitted, the administrator of elections shall send the certificate to the coordinator of elections who shall verify that 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. The administrator shall issue a voter registration card and the card shall be mailed to the applicant in the same manner as provided for any newly issued card.

(e) A person who does not submit a certificate of voting rights restoration as outlined in subsection (d) shall not be denied a voter registration card due to absence of the certificate. A voter registration form submitted by such person, absent a rights restoration certificate, shall be reviewed by the appropriate administrator of elections who will verify with the secretary of state that the person is eligible to register. If the administrator of elections determines that the person may register, the administrator of elections will use the same verification procedure used for any applicant and grant the application for a voter registration card if appropriate.

(f) The department of correction shall communicate at least twice monthly to the secretary of state a list of those newly eligible persons described in § 40-29-202 to include the name, date of birth, and social security number to enable voter registration upon application as described in subsection (e). The secretary of state will communicate the eligibility with the appropriate administrator of elections as described in subsection (e).

SECTION 10. Tennessee Code Annotated, Section 40-29-204, is amended by deleting subdivisions (2) and (3) in their entireties.

SECTION 11. This act takes effect upon becoming a law, the public welfare requiring it.