

SENATE BILL 777

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 4, relative to voter registration.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-201, is amended by deleting the section and substituting instead the following:

(a) In addition to any other voter registration procedure provided for by law, the department of safety and each county election commission shall register voters in accordance with this section.

(b) The department of safety shall obtain, as part of any application for the issuance or renewal of a driver license or photo identification license, the information required to register a voter in this state. An application must include:

(1) A box to permit the applicant to decline to register to vote that includes the statement "IF YOU DO NOT CHECK THIS BOX, AND IT IS DETERMINED THAT YOU ARE ELIGIBLE TO VOTE, YOU WILL BE REGISTERED TO VOTE USING THE INFORMATION PROVIDED IN THIS APPLICATION.";

(2) A statement specifying each eligibility requirement for voting in this state as specified in § 2-2-102; and

(3) An attestation to permit the applicant, under penalty of perjury, and by the applicant's signature, to indicate whether the applicant meets the eligibility requirements for voting in this state.

(c) The department of safety shall provide to the appropriate county election commission a copy of the application of each applicant who does not check the box to

indicate that the applicant declines to register to vote and who signs the attestation on the application indicating that the applicant meets the eligibility requirements for voting in this state. Applications provided by the department of safety under this subsection (c) may be submitted to a county election commission electronically.

(d) The application of an applicant who is registered to vote under this section must be processed as an in-person voter registration.

(e) A county election commission shall not use any information of an applicant for any purpose other than for an official purpose of the commission.

(f) The department of safety shall provide any change of residential address form with respect to a driver license or photo identification license to the appropriate county election commission in the manner set forth under subsection (c). The provision of the form to a county election commission serves as notification of a change in residential address for purposes of voter registration.

(g) The motor vehicle driver license or photo identification license application and change of residential address forms used in this state are subject to approval by the secretary of state for purposes of voter registration under this section.

(h) The department of safety shall transmit an application or change of residential address form in accordance with this section to the appropriate county election commission not later than ten (10) days after the date of acceptance; provided, that if the application or form is accepted within five (5) days of the last day for registration to vote in an election, the department shall transmit the application or form to the appropriate county election commission not later than five (5) days after the date of acceptance.

SECTION 2. Tennessee Code Annotated, Section 2-2-202, is amended by deleting the language "subdivision (2)" and substituting instead "subdivision (1)"; and is further amended by deleting subdivisions (1)-(3) and substituting instead the following:

(1) All state departments, and agencies and offices thereof; and

(2) Public libraries, public high schools, offices of county clerks, and offices of county registers of deeds;

SECTION 3. Tennessee Code Annotated, Section 2-2-204, is amended by deleting the section and substituting instead the following:

(a) A voter registration agency described under § 2-2-202(1) shall:

(1) As part of any application for service or assistance, obtain the information required to register a voter in this state. An application must include:

(A) A box to permit the applicant to decline to register to vote that includes the statement "IF YOU DO NOT CHECK THIS BOX, AND IT IS DETERMINED THAT YOU ARE ELIGIBLE TO VOTE, YOU WILL BE REGISTERED TO VOTE USING THE INFORMATION PROVIDED IN THIS APPLICATION.";

(B) A statement specifying each eligibility requirement for voting in this state as specified in § 2-2-102; and

(C) An attestation to permit the applicant, under penalty of perjury, and by the applicant's signature, to indicate whether the applicant meets the eligibility requirements for voting in this state;

(2) Provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the application form as is provided by the agency with regard to the completion of its own forms; and

(3) Transmit the voter registration portion of the application to the appropriate county election commission to be processed in the same manner that voter registrations are transmitted and processed under § 2-2-201.

(b) If the agency provides public assistance, the voter registration portion of an application must include the statements:

(1) "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(2) "If you would like help in filling out the voter registration portion of the application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(3) "If you believe that someone has interfered with your right to register or to decline to register to vote or your right to privacy in deciding whether to register or in applying to register to vote, you may file a complaint with the coordinator of elections." The statement must also include the address and telephone number of the coordinator of elections.

(c) Each voter registration agency shall maintain the declinations completed by their clientele.

SECTION 4. Tennessee Code Annotated, Section 2-2-205(a), is amended by deleting the language "§ 2-2-202(3)" and substituting instead "§ 2-2-202(2)".

SECTION 5. Tennessee Code Annotated, Section 2-2-206, is amended by deleting the section.

SECTION 6. A department, or agency or office thereof, is not required to comply with this act until the department, agency, or office updates or creates new electronic or paper applications, forms, or other documents to which this act would otherwise apply, as applicable. Each department, and agency and office thereof, may exhaust existing supplies of applications, forms, and documents to which this act would otherwise apply before complying with this act.

SECTION 7. This act shall take effect upon becoming a law, for purposes of carrying out any administrative duties necessary to implement the provisions of this act, the public welfare requiring it. This act shall take effect on January 1, 2020, for all other purposes, the public welfare requiring it.