

SENATE BILL 1298

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 29, relative to restoration of voting rights.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, is amended by adding the following as a new part 3.

**40-29-301.**

(a) Notwithstanding part 2 of this chapter, this part shall apply to and govern restoration of the right of suffrage in this state to any person who:

(1) Has been disqualified from exercising the right of suffrage in this state by reason of a conviction in this state of an infamous crime; and

(2) Meets one (1) of the requirements found in § 40-29-302(a) on or after July 1, 2017.

(b) This part shall apply only to restoration of the right of suffrage based on a conviction for an infamous crime in this state. For restoration of all other rights of citizenship forfeited as the result of a conviction for an infamous crime, part 1 of this chapter shall apply. For restoration of the right of suffrage based on a federal conviction or a conviction in another state, part 2 of this chapter shall apply.

**40-29-302.**

(a) A person rendered infamous and deprived of the right of suffrage by the judgment of any state court shall receive a certificate of voting rights restoration and have the right of suffrage restored 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, or any equivalent discharge by a county correction authority.

(b) Notwithstanding subsection (a), a person shall not receive a certificate of voting rights restoration and have the right of suffrage restored, unless the person:

(1) Has paid all restitution to the victim or victims of the offense ordered by the court as part of the sentence; and

(2) Has paid all court costs assessed against the person at the conclusion of the person's trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.

**40-29-303.**

(a) A person who has the right of suffrage restored pursuant to § 40-29-302 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) Any person issued a certificate of voting rights restoration pursuant to this section shall submit the certificate to the administrator of elections of the county in which the person is eligible to vote. 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.

**40-29-304.**

Notwithstanding this part, the following persons shall never be eligible to register and vote in this state:

- (1) Those convicted after July 1, 1986, of the offenses of voter fraud, treason, murder in the first degree, or aggravated rape;
- (2) Those convicted after July 1, 1996, but before July 1, 2006, of any of the offenses set out in subdivision (1) or any other degree of murder or rape; and
- (3) Those convicted on or after July 1, 2006, of:
  - (A) Any of the offenses set out in subdivision (1) or (2);
  - (B) Any other violation of title 39, chapter 16, parts 1, 4, or 5 designated as a felony; or
  - (C) Any sexual offense set out in § 40-39-202 or violent sexual offense set out in § 40-39-202 that is designated as a felony where the victim of the offense was a minor.

**40-29-305.**

The coordinator of elections shall prepare a certificate of voting rights restoration form and the written statement explaining the form and the procedure by which a person can apply for a voter registration card as required by this part. The coordinator shall be responsible for printing and distributing a sufficient number of the forms to the department of correction, the board of parole, and any other authority that may discharge a person to whom this part applies.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.