

SENATE BILL 2867

By Oliver

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 40 and Title 41, relative to voting rights.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-106, is amended by deleting subsection (a) and substituting:

(a) The registration of a person is purged:

(1) At the request of the voter;

(2) Ninety (90) days after a name change for any reason, except by marriage or divorce;

(3) If the voter dies; or

(4) Upon written confirmation from the voter that the voter has changed the voter's address to an address outside the county of registration or has registered to vote in another jurisdiction.

SECTION 2. Tennessee Code Annotated, Section 2-2-106, is amended by adding the following 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.

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

(a) A person who has temporarily forfeited the right to suffrage because of a conviction of an infamous crime is eligible to vote automatically upon confirmation that:

(1) The person has completed their sentence, including any parole or probationary period; or

(2) 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 certificate of final discharge from supervision or a certified copy of a judgment of an appellate 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 certificate of final discharge or judgment.

(c) The state coordinator of elections shall formulate a uniform procedure for automatically verifying the registration eligibility of any person convicted of an infamous crime and updating the appropriate administrator of elections of any changes to the suspended voter registration list under § 2-2-106. Upon receiving sufficient verification of the person's eligibility to register, the administrator shall allow the 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 this state.

SECTION 4. Tennessee Code Annotated, Section 2-11-202(a), is amended by deleting subdivisions (16) and (17) and substituting instead:

(16)

(A) 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. The form must include the voter's name, race, date of birth, and social security number, if available; and

(B) Devise and furnish to the department of correction a form to be used to notify the county election commissions of the fact that a suspended voter in their county has completed their sentence and is eligible for automatic restoration of their voting rights pursuant to §§ 2-2-139 and 40-29-202;

(17) Instruct the administrators in each county to:

(A) 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; and

(B) Restore to the voting rolls any person whose registration has been suspended in their county when notified that the person has completed their sentence or received a copy of the final judgment reversing the person's conviction or convictions of all infamous crimes;

SECTION 5. 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.

SECTION 6. Tennessee Code Annotated, Section 2-19-143, is amended by deleting the section and substituting:

(a) A person who has been convicted of an infamous crime, as defined by § 40-20-112, is not permitted to register to vote or vote at any election unless the person has completed their sentence, including any parole or probationary period, pursuant to § 40-29-202, or an appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction or convictions of all infamous crimes.

(b) A person who has been convicted in federal court of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, is not allowed to register to vote or vote at any election unless such person has been pardoned or restored to the full rights of citizenship by the president of the United States, or the person's full rights of citizenship have otherwise been restored in accordance with federal law or the law of this state.

(c) A person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, is not allowed to register to vote or vote at any election in this state unless the person has completed their sentence, including any parole or probationary period or an appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction or convictions of all infamous crimes.

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

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

A criminal offense designated as a felony at the time of conviction is an infamous crime, and a person convicted of an infamous crime is immediately suspended 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 40-29-105(b)(1), is amended by deleting subdivision (A) and substituting:

(A) Receiving a pardon, but without reestablishing the person's right to suffrage;

SECTION 9. Tennessee Code Annotated, Section 40-29-105(b), is amended by deleting subdivisions (3) through (6) and substituting:

(3) A person who has been convicted of seditious conspiracy under 18 U.S.C. § 2384 or who has engaged in insurrection against the United States in violation of § 3 of the Fourteenth Amendment of the United States Constitution is never eligible to register and vote in this state;

(4) A person eligible for restoration of citizenship pursuant to subdivision (b)(1) may request, and then shall be issued, a certificate of restoration upon a form prescribed by the coordinator of elections, by:

(A) The pardoning authority; or

(B) An agent or officer of the supervising or incarcerating authority;

(5) A person issued a certificate of restoration must submit either a certificate of final discharge from the appropriate supervising authority or a certified copy of a judgment of an appellate court of competent jurisdiction to the administrator of elections of the county to be eligible to vote. Upon receiving a certificate of final discharge from the appropriate supervising authority or a certified copy of a judgment of an appellate

court of competent jurisdiction, the coordinator of elections shall issue a voter registration card entitling the person to vote; and

(6) Before allowing a person convicted of an infamous crime to become a registered voter, it is the duty of the administrator of elections in each county to verify with the coordinator of elections that the person is eligible to register pursuant to this title and title 2.

SECTION 10. Tennessee Code Annotated, Section 40-29-105(c), is amended by deleting subdivision (2) and substituting:

(2)

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

(B) A person convicted of an infamous crime shall receive a certificate of discharge from the department of correction or the appropriate supervising authority upon the completion of the sentence imposed by the court, including any parole or probationary period, for the infamous crime; provided, that a person convicted of murder, rape, treason, voter fraud, or seditious conspiracy or a person who has engaged in insurrection is ineligible to register and vote in this state;

SECTION 11. Tennessee Code Annotated, Section 40-29-105(c), is amended by deleting subdivisions (6) and (7) and substituting:

(6) A person whose right to suffrage has been restored pursuant to subdivision (c)(2) shall submit a certified copy of the order to the administrator of elections of the county in which the person is eligible to vote. The administrator of elections shall verify with the coordinator of elections that the certificate of discharge was issued and, upon

receiving the verification, shall issue the person a voter registration card entitling the person to vote; and

(7) All costs for a proceeding under this subsection (c) to restore a person's citizenship rights must be paid by the petitioner unless the court specifically orders otherwise.

SECTION 12. 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 automatically eligible for the restoration of their right of suffrage upon:

(1) The completion of the person's sentence, including any parole or probationary period and the person received a certificate of final discharge from the appropriate supervising authority; or

(2) An appellate court of competent jurisdiction entered a final judgment reversing the person's conviction or convictions of all infamous crimes and the person received a certified copy of the judgment.

SECTION 13. Tennessee Code Annotated, Section 40-29-203, is amended by deleting the section.

SECTION 14. Tennessee Code Annotated, Section 40-29-204, is amended by deleting the section and substituting:

Notwithstanding this part, the following persons are never 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; and

(2) Those who have been convicted of seditious conspiracy under 18 U.S.C. 2384 or those who have engaged in insurrection against the United

States in violation of § 3 of the Fourteenth Amendment of the United States Constitution.

SECTION 15. Tennessee Code Annotated, Section 40-29-205, is amended by deleting the section.

SECTION 16. Tennessee Code Annotated, Section 41-51-301, is amended by adding the following as new subsections:

(d) The department of correction shall provide an inmate upon their release with:

(1) Documentation verifying the inmate is currently eligible to vote or documentation stating the prospective date of eligibility following the completion of probation or parole, pursuant to § 40-29-202;

(2) The amount of restitution to the victim or victims of the offense owed by the inmate;

(3) The amount of court costs owed by the inmate; and

(4) The amount of child support owed by the inmate.

(e) The department of correction shall provide a copy of the documentation under subdivision (d)(1) to the state coordinator of elections who shall update the appropriate administrator of elections pursuant to § 2-2-139.

SECTION 17. This act takes effect July 1, 2024, the public welfare requiring it.