U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The TN Election Code does not specifically define "spoiled ballot", but describes the process for replacing a spoiled ballot. TCA §2-6-202(f) and – TCA§ 2-7-120 define the process for handling a spoiled ballot.

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No specific definition is given for either a provisional or challenged ballot, but the process governing each is described in the following statutes.
Provisional – TCA§2-7-112 provides the process for provisional ballots and includes a provisional voting process for voters who do not present a valid photo ID when voting.
Challenged - TCA§ 2-7-123 through 126 govern challenged ballots.

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

TCA § 2-6-201 defines those eligible for absentee voting and TCA § 2-6-202 describes the process for voting in TN.

2016 Response:

g) Early voting

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

TCA § 2-6-101 defines absentee voting and the process for voting in TN.

2016 Response:

TCA § 2-6-101 and TCA§ 2-6-102 define early voting and the process for early voting in TN.

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

TCA § 2-6-106 defines the process for making voters inactive voters and removing them from the voter files in TN.

2016 Response:

Citation correction:
TCA § 2-2-106 defines the process for making voters inactive voters and removing them from the voter files in TN.

j) Other terms (please specify) _____

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Evidence of identification -
TCA § 2-7-112 defines acceptable photo ID which must be used as evidence of identification.

This code has been amended in only two (2) regards:
1. The ID must be TN issued and
2. Cannot be issue by a county or city government
(In all other respects, definition of acceptable ID remains the same.) Federal ID is acceptable.

TCA § 2-1-104(a)(24) defines “recognized minor party” to distinguish new political parties in TN from the existing statewide political parties.

2016 Response:

TCA § 2-1-104(a)(30) redefines "statewide political party" to mean a political party having a candidate for a statewide office to have received a number of votes equal to at least 5% of the total number of votes cast for Governor in the most recent election for Governor (2016 Public Chapter No. 1016).

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

See A1j

2016 Response:

See A1j

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Tennessee's voter registration database is a bottom - up system.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The county election commission is required to electronically transfer the information to the Division of Elections daily.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	A forwardable confirmation notice with a postage prepaid, pre-addressed return form on which the voter may verify or correct the address information must be mailed to a voter whenever objective evidence exists that a voter has changed his or her address. Upon mailing a confirmation notice to a registered voter, the status of the voter shall be changed from ACTIVE status to INACTIVE status. A voter's status changes from Inactive to Active upon any activity over the voter's signature which verifies the address of registration. If the voter responds to the confirmation notice, appears to vote, completes a voter registration form at a NVRA agency, or otherwise updates the voter registration after the time the notice is sent and before two (2) regular November elections pass, the voter's registration status will return to ACTIVE status.

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:	2016 Response:
Purge Process Pursuant to TCA 2-2-109 and 2-2-141, a voter's name must be removed from the voter registration rolls for the following reasons: 8. At the request of the voter; 9. Ninety (90) days after a change of name for any reason, except by marriage or divorce; 10. If the voter dies; 11. Upon receiving information that a person has been convicted of felony; or 12. 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; 13. If from the date the confirmation notice has been mailed to the voter, two (2) regular November elections pass and the voter has not updated his or her voter registration record; 14. If upon comparison of voter registration records with other state or federal agencies, evidence exists that a particular registered voter is not a U.S. citizen, a voter may be purged for failure to provide proof of U.S. citizenship after	Pursuant to TCA 2-2-109 and 2-2-141, a voter's name must be removed from the voter registration rolls for the following reasons: 1. At the request of the voter; 2. Ninety (90) days after a change of name for any reason, except by marriage or divorce; 3. If the voter dies; 4. Upon receiving information that a person has been convicted of felony; or 5. 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; 6. If from the date the confirmation notice has been mailed to the voter, two (2) regular November elections pass and the voter has not updated his or her voter registration record;

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

For drivers license - The voter registration database is not electronically linked to share information however, the state is able to use information electronically transferred by the Department of Safety.
For other agencies - Varies by agency.
Information is extracted from various agency files. Not all agencies provide unique identifiers (such as SS# and DOB) to match our voter files.

2016 Response:

For drivers license - The voter registration database is not electronically linked to share information however, the state is able to use information electronically transferred by the Department of Safety and Homeland Security.
For other agencies - Varies by agency.

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

NCOA is not used on the state level. If used it is done on a county level.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

2016 Response:

The State of Tennessee uses the Internet to educate the public about the registration process. The state has a voter registration link on the Election Division website.
See site listed below:
http://sos.tn.gov/products/elections/register-vote
Applicants are able to complete the voter application on line and then print off the form. The voter is required to sign and send the original application to either the Division of Elections or the county election commission office for processing.

2016 Public Chapter No. 936 establishes an online voter registration process beginning July 1, 2017.

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee by – mail ballots, provisional ballots and early voting ballots are counted centrally within the county. Election Day ballots are counted at the precincts.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Absentee by – mail ballots, and provisional ballots are typically redirected and placed into the precinct totals from which the ballots come. However, if in a precinct there is only one absentee by-mail vote or only one provisional ballot, then the single ballot will be counted with the early vote totals to protect the secrecy of the ballot. Regarding early votes, there are a few counties which report early votes as a single early voting precinct. However, most of the

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See response to "b" above.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
UOCAVA ballots are absentee by – mail. See response to "b" above.	

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Tennessee requires a reason for voting absentee by - mail. See TCA§ 2-6-201.	

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
Tennessee allows early voting for any eligible registered voter. Early voting begins twenty days out from an election and ends the fifth day before the election or on the seventh day before the Presidential Preference Primary. The counting of in – person early voting ballots is done at a central location by the county election commission and is reported in the precinct totals. Tennessee does have some counties that choose to report their early voting and absentee totals separately.	

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

TCA § 2-6-205 allows cities to require nonresident property owners to vote only by mail.
2-6-205. Absentee voting for voters registered as nonresident property owners.
In the case of individuals who, pursuant to § 2-2-107(a) are registered to vote in a municipality as nonresident property owners, the municipal legislative body may, by ordinance, direct such voters to cast the municipal ballots as absentee by mail ballots. Any municipal ordinance adopted pursuant to this section must be adopted and filed with the county election commission office no later than sixty (60) days before the election. Upon the filing of the municipal ordinance, a nonresident property owner may not thereafter vote in the election except by absentee ballot. No later than forty-five (45) days before the election, the election commission shall mail a notice to each voter registered as a nonresident property owner of the municipality advising the voter of the voting process and include an application for

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Both the voter registration application and the application for ballot shall be deposited in the provisional ballot box. Nothing in this section shall be construed to allow Election Day voter registration.
Pursuant to § 2-7-114(b) and (c), the voter shall vote the provisional ballot. The provisions of § 2-7-116 shall govern any voter needing assistance. If the provisional ballot was cast in the proper precinct and the voter had not voted in another precinct or otherwise voted in the election the ballot will be counted.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

TCA§ 2-8-101 requires the county election commission to meet, compare the returns and certify the election.

TCA§ 2-8-104 requires the county election commission to audit as soon as possible after the election.

TCA§ 2-20-103 allows automatic mandatory audits of optical scan paper ballots.

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

After the appointment of election officials pursuant to 2-4-102, the county election commission shall meet for the purpose of instructing poll officials.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

91 of our 95 counties use DRE's which do not allow for over voting. The four remaining counties are precinct based optical scanning systems and do not allow for over votes. We do not track over votes by absentee voters However, TCA§ 2-7-133(b) prohibits the counting of an office if it is impossible to determine the voter's choice.

2016 Response:

88 of our 95 counties use DRE's which do not allow for over voting. The seven remaining counties are precinct based optical scanning systems and do not allow for over votes. We do not track over votes by absentee voters However, TCA§ 2-7-133(b) prohibits the counting of an office if it is impossible to determine the voter's choice.

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Tennessee statutes do not require identification when registering to vote. However, counties may verify the voter's address by mailing a wallet card to the voter or by requesting evidence of the address when registering the voter in-person.

When registering to vote a Tennessee Driver's License, Social Security Card, credit card bearing applicant's signature or other document bearing the applicant's signature would serve as ID. For verification of a residential address a Tennessee Driver's License, residential lease agreement, a utility bill or other document bearing applicant's residential address would be sufficient to register to vote.

2016 Response:

Tennessee statutes do not require identification when registering to vote. However, counties may verify the voter's address by mailing a wallet card to the voter or by requesting evidence of the address when registering the voter in-person.

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

TCA 2-7-112(a)((1) A voter shall complete and sign an application for ballot, indicate the primary in which the voter desires to vote, if any, and present it to a precinct registrar. In addition, the voter shall present to the precinct registrar one (1) form of identification that bears the name and photograph of the voter. The requirement to present one (1) form of identification that bears the name and photograph of the voter shall apply to persons voting pursuant to 2-6-109; provided, however, that a person voting in accordance with 2-6-401(a) and (b) or 2-6-601 shall not be required to show an identification with a photograph of the voter. Voters who vote in person during early voting or on Election Day must present a photo ID issued by the federal or Tennessee state government. These IDs may be current or expired

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voters casting a ballot by mail must submit a request for an absentee ballot to the county election commission. This request does not require additional ID. The application requires a voter signature which is compared to the permanent voter registration form.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA voters are not required to provide additional ID. The signature on the ballot affidavit is compared to the signature on the application for ballot.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Candidates, party officials and certain organizations of citizens may appoint poll watchers to observe the election. Any additional observers may be allowed by the local jurisdiction. See TCA§§2-7-103 and 2-7-104.

However, TCA § 2-1-119 limits United Nations observers to those with a treaty ratified by the United States Senate stating that the UN may monitor the election in TN. (2014 – Public Chapter # 807.)

2-1-119. Monitoring of elections by U.N. representative.

Any representative of the United Nations appearing without a treaty ratified by the United States Senate stating that the United Nations can monitor elections in this state, shall not monitor elections in this state.

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Tennessee has not revised its administrative complaint procedures since first implemented.

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Tennessee 2014 Responses

B2. A forwardable confirmation notice with a postage prepaid, pre-addressed return form on which the voter may verify or correct the address information must be mailed to a voter whenever objective evidence exists that a voter has changed his or her address. Such "objective" evidence may involve a verification card being returned as undeliverable or any election information mailed to the voter being returned as undeliverable. Examples of when a confirmation card may be mailed to the voter are when a notice of a change in the polling place location has been returned by postal officials indicating that the voter has moved to a different address with a given forwarding address. In this situation the county election commission would mail the voter a forwardable confirmation notice to the address listed on the permanent voter registration record – not the new address indicated by the post office. If the post office indicated that the person did not have a forwarding address, or the forwarding address expired or that the forwarding address is outside of the county, the county election commission would mail the voter a forwardable confirmation notice to the address listed on the permanent voter registration record – not the new address indicated by the post office.

Immediately upon mailing a confirmation notice to a registered voter, the status of the voter shall be changed from ACTIVE status to INACTIVE status.

A voter's status changes from Inactive to Active upon any activity over the voter's signature which verifies the address of registration.

Purge Process

Pursuant to TCA 2-2-109 and 2-2-141, a voter's name must be removed from the voter registration rolls for the following reasons:

1. At the request of the voter;

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

3. If the voter dies;

4. Upon receiving information that a person has been convicted of felony; or

5. 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;

6. If from the date the confirmation notice has been mailed to the voter, two (2) regular November elections pass and the voter has not updated his or her voter registration record;

7. If upon comparison of voter registration records with other state or federal agencies, evidence exists that a particular registered voter is not a U.S. citizen, a voter may be purged for failure to provide proof of U.S. citizenship after notice and opportunity has been given to produce such proof.

Canceling the Purge Process - If the voter responds to the confirmation notice, appears to vote, completes a voter registration form at an NVRA agency, or otherwise updates the voter registration after the time the notice is sent and before two (2) regular November elections pass, the voter's registration status will return to ACTIVE status and the purge process ceases.

A forwardable confirmation notice with a postage prepaid, pre-addressed return form on which the voter may verify or correct the address information must be mailed to a voter whenever objective evidence exists that a voter has changed his or her address. Such "objective" evidence may involve a verification card being returned as undeliverable or any election information mailed to the voter being returned as undeliverable.

Examples of when a confirmation card may be mailed to the voter are when a notice of a change in the polling place location has been returned by postal officials indicating that the voter has moved to a different address with a given forwarding address. In this situation the county election commission would mail the voter a forwardable confirmation notice to the address listed on the permanent voter registration record – not the new address indicated by the post office. If the post office indicated that the person did not have a forwarding address, or the forwarding address expired or that the forwarding address is outside of the county, the county election commission would mail the voter a forwardable confirmation notice to the address listed on the permanent voter registration record – not the new address indicated by the post office.

Immediately upon mailing a confirmation notice to a registered voter, the status of the voter shall be changed from ACTIVE status to INACTIVE status.

A voter's status changes from Inactive to Active upon any activity over the voter's signature which verifies the address of registration.

Preservation Time - T. C. A. § 2-2-134(c) provides that purged registrations shall be retained by the county election commission for two (2) years from the date of the purge.

Destruction Time - After two (2) years from the date of the purge passes, the election commission may destroy the hard paper record of physical purged registrations.

The temporary voter registration of UOCAVA voters are purged after one calendar year has passed and the UOCAVA voter has not otherwise updated or applied to vote in additional elections.

Yes, a different process is used for UOCAVA voters. Because these are temporary registrations the process of sending confirmation notices does not apply. UOCAVA applicants remain on file for a calendar year unless the UOCAVA voter is eligible to vote in a municipal or special election held within ninety (90) days of the ending of the calendar year.

B6. Article 4, §2 of the Tennessee Constitution provides that the Tennessee legislature may deny the right to vote to persons convicted of "infamous" crimes. Pursuant to this provision in the Tennessee Constitution, the Tennessee legislature has excluded felons from voting. However, the legislature has also established conditions and procedures through which felons who have lost their voting rights may regain them. The manner in which a person may restore a lost voting right depends upon the crime committed and the year in which the conviction occurred.

Eligibility requirements are listed in the three categories listed below.

A Felony Conviction After May 18, 1981(2006 General Assembly, Public Chapter 860 AND 2-2-139)

Type of Crime That Forfeits Right to Vote

All Felonies

Conditions under Which Person May Be Eligible for Restoration of Voting Rights

Receipt of a pardon;

Expiration of the maximum sentence imposed for the crime; or

Granted final release from incarceration or supervision by the board of paroles, the department of correction, or county correction authority; and

Any court order restitution paid; and/or

Current in the payment of any child support obligations

Payment of any court costs ordered by the court

Procedures for Restoring Voting Rights

1. Court Order

Obtain a court order restoring the person's rights in either the county in which the person currently resides or the county in which the person was convicted.

OR

2. Certificate of Restoration

Print the Certificate of Restoration of Voting Rights, or obtain a certificate from the county election commission office;

• Certificate of Restoration of Voting Rights must be completed by: the pardoning authority; or an agent or officer of the supervising or incarcerating authority; and/or the an agent of the circuit/criminal court clerk Upon verification that the applicant does not have any outstanding child support obligations due, the person may be registered to vote.

Exceptions -Persons convicted of any of the following, cannot have his or her voting rights restored:

Between July 1, 1986, and June 30, 1996 -first degree murder, aggravated rape, treason, or voter fraud

Between July 1, 1996, and June 30, 2006 - murder, rape, treason, or voter fraud

On or after July 1, 2006 – Any of the above, or any degree of murder or rape or any felony offense under TCA Title 39, Chapter 16, parts 1, 4, or 5; or any sexual offense under TCA § 40-39-202(17) or any violent sexual offense under TCA § 4039-202(25) designated as a felony and where the victim of such offense was a minor

B. Felony Conviction Between January 15, 1973, and May 17, 1981

Public Chapter 740 § 4(70) (1972) & Crutchfield V. Collins, 607 S.W. 2D 478 (Tenn. Ct. App. 1980)

Type of Crime That Forfeits Right to Vote

 None

Condition Under Which Person May Be Eligible for Restoration of Voting Rights

 Because a person convicted of an infamous crime during this time period may register to vote, regardless of the nature of the conviction, there are no conditions or procedures that apply.

C. Felony Conviction Prior to January 15, 1973

(Crutchfield V. Collins, 607 S.W. 2D 478 (Tenn. Ct. App. 1980)

Type of Crime That Forfeits Right to Vote

 Abusing a female child;

 Arson and felonious burning;

 Bigamy;

 Bribery;

 Burglary; felonious breaking and entering a dwelling house; felonious breaking into a business house, outhouse other than a dwelling house; larceny; horse stealing; robbery; receiving stolen property; stealing bills of exchange or other valuable papers;

 Destroying a will;

 Incest; rape; sodomy; buggery; or

 Perjury; subornation of perjury.

Conditions Under Which Person May Be Eligible for Restoration of Voting Rights

 Proving that, at the time of conviction, the judge did not render person infamous;

 Conviction reversed on appeal;

 Receipt of a full pardon; or

 Circuit court, in either the county where person resides or in the county where person was convicted, issues judgment that restores full rights of citizenship upon the person. (Person may petition the circuit court for restoration at the expiration of the maximum sentence imposed for the infamous crime conviction.)

Procedure for Restoring Voting Rights

 Present proof of one of the above-mentioned conditions to the county election commission in the county in which the person resides;

Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate?

Response Voting rights are not automatically restored. The individual applicant must apply to have their voting rights restored.

Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

Response When the individual applies to vote they must submit the information necessary (depending on the year of conviction) in order to have their voting rights restored

C5. TCA § 2-7-112 governs provisional voting.

(a)(3)(A) A person shall be entitled to vote a provisional ballot under the procedures of this section if the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission or an election official asserts that the individual is not eligible to vote. If a voter is unable to present evidence of identification, the voter shall be entitled to vote a provisional ballot pursuant to subsection (e) unless the voter is eligible to vote

pursuant to subsection (f).

(i) If the election official cannot determine that the voter's name should have been placed on the precinct's computer signature list, then the voter shall complete an original voter registration application. At the time of registration and pursuant to subsection (d), the voter shall present verification of the residential address under which the person desires to vote.

(e) A person whose name appears on the computerized voter signature list or the electronic poll book and is unable to present valid evidence of identification specified in subsection (c) shall be entitled to vote a provisional ballot under the procedures of this subsection (e) unless such person is eligible to vote pursuant to subsection (f).

(1) The voter shall complete an application for ballot pursuant to this section, and if the voter has changed residence, or the voter's registration is inactive, the voter shall complete a fail safe affidavit. The voter must vote in the precinct in which the person is a resident. The voter shall also be given a written statement that specifies the voter has until the second business day after the election to provide evidence of identification. The voter shall sign such statement and return it along with the application of ballot.

(2) Upon completion of the application for ballot and if applicable, the presentation of a fail safe affidavit in the voter's correct polling location, the voter shall be given a provisional ballot and provisional ballot envelope. The provisional ballot envelope shall be a different color from the absentee ballot envelopes and shall bear a detachable slip that contains the provisional ballot affidavit. The provisional ballot affidavit shall contain the voter's printed name, social security number, date of birth, signature and any other identifying information deemed necessary by the coordinator of elections to satisfy the requirements of this section and to prevent fraudulent voting. The application for ballot shall be deposited in the provisional ballot box.

(3) Pursuant to 2-7-114(b) and (c), the voter shall vote the provisional ballot. Any county utilizing optical scan technology shall process their ballots pursuant to rules promulgated by the state coordinator of elections. Section 2-7-116 shall govern any voter needing assistance.

(4) Along with the applications for ballot completed by provisional voters, all provisional ballots that have been cast shall remain sealed and locked in the provisional ballot box for return to the county election commission at the close of polls.

(5) Provisional ballots cast pursuant to this subsection (e) shall only be counted if the voter provides evidence of identification specified in subsection (c) to the administrator of elections or the administrator's designee by the close of business on the second business day after the election. Evidence of identification must be presented at the voter's county election commission office or another location designated by the county election commission.

(6) Upon the voter presenting valid evidence of identification, set forth in subsection (c), to the administrator of elections or the administrator's designee, the voter shall sign an affidavit, prescribed by the coordinator of elections, containing the voter's name, signature and any other information deemed necessary by the coordinator of elections to satisfy the requirements of this section and to prevent fraudulent voting. The affidavit shall also contain a statement affirming under the penalty of perjury that the voter is the same individual that cast the provisional ballot. A photocopy of the evidence of identification shall be attached to the affidavit.

(7) The central provisional ballot counting board shall compare the information on the provisional affidavit envelope to the information set forth in subdivision (e)(6). If it is determined that the person provided proper evidence of identification, then the central provisional counting board shall remove the provisional ballot affidavit from the provisional ballot envelope and place the sealed ballot with all provisional ballots to be counted.

(8) If the voter does not provide valid evidence of identification in a timely manner, the provisional ballot envelope shall not be opened nor its provisional ballot affidavit removed, but shall be marked Rejected across its face with the reason for rejection written on it and signed by at least two (2) members of the central provisional ballot counting board. The board members signing the provisional ballot affidavit may not be of the same political party. It shall then be placed in the container of rejected ballots. The administrator shall notify the voters by mail of the rejection and the reason for such rejection.

(9) The central provisional ballot counting board shall have until the close of business on the fourth business day after the election to count any provisional ballot cast pursuant to this subsection (e). If the county election commission determines that the counting of provisional ballots cannot be completed by the designated time, the state coordinator of elections may grant the county an extension of time and designate a time that shall be no later than the second Monday after the election.

(f) A voter who is indigent and unable to obtain proof of identification without payment of a fee or who has a religious objection to being photographed shall be required to execute an affidavit of identity on a form provided by the county election commission and then shall be allowed to vote. The affidavit shall state that:

(1) The person executing the affidavit is the same individual who is casting the ballot; and

(2) The affiant is indigent and unable to obtain proof of identification without paying a fee or has a religious objection to being photographed.