

HOUSE BILL 1770

By Todd

AN ACT to amend Tennessee Code Annotated, Title 2,  
relative to elections.

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

SECTION 1. Tennessee Code Annotated, Section 2-1-107(a), is amended by deleting the second sentence of the subsection and substituting instead the following:

The address of residence for the signer of the petition must be the same as the address at which the signer is registered to vote in order for that person's signature to be counted; provided, that if the address shown on the petition is within the precinct in which the person is registered but is not the address shown on the registration card, the signature shall be valid and shall be counted.

SECTION 2. Tennessee Code Annotated, Section 2-2-106(c), is amended by deleting the language: "If, as a result of the address verification program, the county election commission" and substituting instead the language "If, as a result of the address verification program, information from the National Change of Address program, or drivers' license change of address information from the department of safety, the county election commission".

SECTION 3. Tennessee Code Annotated, Section 2-2-109(a), is amended by deleting the last sentence of the subsection and substituting instead the following:

The administrator shall be empowered to update an existing registration until no later than five (5) days before the first day of early voting in an election to place it within the correct precinct in the county when a voter changes the voter's address through the process described in § 2-7-140.

SECTION 4. Tennessee Code Annotated, Section 2-2-114, is amended by adding the following language as a new subsection (c):

(c) For the notices required by this section, newspapers of general circulations shall be used for such publication as long as the rate charged to county election commissions is equal to half the newspaper's general advertising rate for similar material at a rate that is no higher than prevailing political rates and sufficient to cover actual expenses for the advertising. If the newspaper of general circulation chooses not to offer such rates, the county election commission shall publicize the elections specified below by methods approved by the coordinator of elections, including general press releases and publication on election commission web sites.

SECTION 5. Tennessee Code Annotated, Section 2-2-115 (b)(7), is amended by deleting the period "." at the end of the subdivision and by adding the following language:

or, pursuant to § 2-6-201(2), a person who is enrolled as a full-time student in an accredited college, university or similar accredited institution of learning in this state outside the county where the person is registered to vote or their spouse who resides with the student.

SECTION 6. Tennessee Code Annotated, Section 2-2-115(b)(1), is amended by deleting the period (.) at the end of the subdivision and substituting instead the following:

and to be made available on the web sites of county election commissions and the secretary of state.

SECTION 7. Tennessee Code Annotated, Section 2-2-122(a), is amended by adding the following as a new subdivision (2) and redesignating the current subdivision (2) and remaining subdivisions accordingly:

(2) When a person registered to vote in any county has moved their place of residence to another county or state, that person is not eligible to vote in the county from which the registered voter has moved. If a person who has been registered in a given county appears to vote in that county but offers identification showing a change in

residence to another county or state, that person shall not be allowed to vote.

Presentation of an out of state driver's license issued more than thirty (30) days prior to election is proof of ineligibility to vote in Tennessee.

SECTION 8. Tennessee Code Annotated, Section 2-2-129(a)(1), is amended by deleting the words "in person or by mail" and by substituting instead the language "in person, by mail or by email with an attached document which includes a scanned signature".

SECTION 9. Tennessee Code Annotated, Section 2-3-101(a), is amended by designating the existing language as subdivision (1) and by adding the following language as subdivision (2):

(2) Notwithstanding subdivision (a)(1), in any county using a computerized voting system, multiple precincts may be located in the same facility, space permitting, at the discretion of the county election commission.

SECTION 10. Tennessee Code Annotated, Section 2-3-103, is amended by deleting the language "five thousand (5,000)" and substituting instead the language "seven thousand five hundred (7,500)".

SECTION 11. Tennessee Code Annotated, Section 2-4-102(a)(1), is amended by deleting the last sentence of the subdivision and substituting instead the following:

Notwithstanding any of the above provisions, each polling place shall have a minimum of six (6) election officials. One (1) machine operator may be appointed to operate no more than six (6) voting machines.

SECTION 12. Tennessee Code Annotated, Section 2-4-103, is amended by adding the following new subsection (f):

(f) Notwithstanding any other provision of law to the contrary, within twenty (20) days of an election, a county election commission may appoint persons as polling

officials who are registered voters of the county to serve at precincts that do not have an adequate number of polling officials.

SECTION 13. Tennessee Code Annotated, Section 2-6-103(b)(1), is amended by deleting the language “eight o’clock p.m. (8:00 p.m.)” and by substituting instead the language “seven o’clock p.m. (7:00 p.m.)”.

SECTION 14. Tennessee Code Annotated, Section 2-6-103(b)(1), is further amended by deleting the language “eight o’clock a.m. (8:00 a.m.)” and by substituting instead the language “ten o’clock p.m. (10:00 a.m.)”.

SECTION 15. Tennessee Code Annotated, Section 2-6-202(a)(3), is amended by deleting the second sentence in its entirety and by substituting instead the following language:

A voter may make the request or submit an application to vote by mail, facsimile transmission or email with an attached document which includes a scanned signature.

SECTION 16. Tennessee Code Annotated, Section 2-6-301, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Except in those counties which use computerized duplicate registration records, upon issuance of an absentee ballot, the administrator of elections shall remove the voter’s permanent registration record from the binder of the polling place and put it in an absentee voting binder in alphabetical order. Upon issuance of an absentee ballot, the voter may not thereafter vote in the election except by absentee ballot.

(2) In those counties in which computerized duplicate registration records are used, the attesting official shall update the voter’s computerized voter history by making the appropriate data entry.

(3) When a voter has been sent an military absentee ballot but the ballot has not been received by the election commission and the voter has returned to the county issuing the absentee ballot, the voter may vote a provisional ballot.

SECTION 17. Tennessee Code Annotated, Section 2-6-304(f), is amended by deleting the language “Not later than thirty (30) days after an election” and by substituting instead the language “Not later than forty-five (45) days after an election”.

SECTION 18. Tennessee Code Annotated, Section 2-7-112(a)(3)(C)(i), is amended by deleting the words “no later than the second Monday after the election” and by substituting instead the language “no later than the third Monday after the election”.

SECTION 19. Tennessee Code Annotated, Section 2-7-133(i), is amended by adding the language “twelve o’clock (12:00) noon, prevailing time,” immediately before the language “fifty (50) days before the general election.”

SECTION 20. Tennessee Code Annotated, Section 2-7-142, is amended by deleting the section in its entirety.

SECTION 21. Tennessee Code Annotated, Section 2-8-108(b), is amended by adding the following sentence to the end of the subsection:

All election documents pertaining to a federal election shall be preserved by the county election commission for twenty-two (22) months.

SECTION 22. Tennessee Code Annotated, Section 2-8-113(a), is amended by deleting the language “On the third Thursday after a primary election,” and substituting instead the language “On the fourth Thursday after a primary election,”

SECTION 23. Tennessee Code Annotated, Section 2-8-113(c), is amended by adding the language “twelve o’clock (12:00) noon, prevailing time,” before the language “fifty (50) days before the primary election.”

SECTION 24. Tennessee Code Annotated, Section 2-10-110, is amended by deleting subsection (d) and substituting instead the following:

(d) A candidate for state or local public office who fails to file any statement or report required by this part, after being notified as required in subdivision (a)(1)(A), shall be ineligible to qualify for election to any state or local public office until such statement or report is filed with either the registry or the appropriate county election commission, or both. Candidates with missing or late reports must have been notified at least ten (10) days before an election for which that candidate seeks to qualify.

SECTION 25. Tennessee Code Annotated, Section 2-12-111, is amended by deleting subsection (a) and substituting instead the following:

(a) For the notice of elections and questions required by this section, newspapers of general circulations shall be used for such publication as long as the rate charged to county election commissions is equal to half the newspaper's general advertising rate for similar material at a rate that is no higher than prevailing political rates and sufficient to cover actual expenses for the advertising. If the newspaper of general circulation chooses not to offer such rates, the county election commission shall publicize the elections specified below by methods approved by the coordinator of elections, including general press releases and publication on election commission web sites.

SECTION 26. Tennessee Code Annotated, Section 2-12-201, is amended by adding the following as a new subsection (c):

(c) In counties in which the election commission appoints a deputy administrator, the administrator and deputy administrator shall be of opposite political parties.

SECTION 27. Tennessee Code Annotated, Section 2-12-202(a)(1), is amended by adding the following language at the end of the subdivision:

Notwithstanding any of the above provisions, each polling place shall have a minimum of six (6) election officials.

SECTION 28. Tennessee Code Annotated, Section 2-12-202(a), is amended by deleting subdivision (2) in its entirety.

SECTION 29. Tennessee Code Annotated, Section 2-13-305(b), is amended by deleting subdivision (1) and substituting instead the following:

(1) Nominating petitions shall be signed by the candidate and twenty-five (25) or more registered voters who are eligible to vote to fill the position.

SECTION 30. This act shall take effect upon becoming a law, the public welfare requiring it.