

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2311 - SB 2312**

March 28, 2016

**SUMMARY OF BILL:** Restricts the offenses for which a person can be judged infamous and lose his or her right to vote.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$49,300/One-Time**

Assumptions:

- Tennessee Code Annotated § 40-20-112 provides that upon a conviction for any felony a court must find the defendant infamous and the defendant shall be immediately disqualified from exercising the right of suffrage.
- The bill adds a subsection to Tenn. Code Ann. § 40-20-112 providing that those infamous prior to July 1, 2016, shall remain infamous until the person has his or her rights of citizenship restored.
- The bill limits the offenses for which a person's right to vote may be revoked to violent felonies, as defined in Tenn. Code Ann. § 39-17-1363.
- Tennessee Code Annotated § 39-17-1363 defines violent felony as:
  - Any felony involving the use or attempted use of force, violence or a deadly weapon;
  - A violation of § 39-17-417 (manufacture, delivery, sale, or possession of a controlled substance), § 39-17-433 (promotion of methamphetamine manufacture), or § 39-17-435 (initiation of a process intended to result in the manufacture of methamphetamine); or
  - A violation of § 39-14-203(a)(1)-(3) (animal fighting), § 39-14-205 (intentional killing of an animal), § 39-14-212 (aggravated cruelty to animals), or § 39-14-214 (sexual activity with an animal).
- Under the bill, only persons convicted of the above offenses will lose their right to vote, but any person found infamous prior to July 1, 2016, will still be infamous. The Secretary of State will need to determine which persons were infamous prior to July 1, 2016, and which may or may not be infamous under the provisions of this bill.
- Currently, the application for voter registration asks, "Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court?" If a person answers "Yes", then the application is denied. However, a person convicted of any felony, except first degree murder, aggravated rape, treason, or

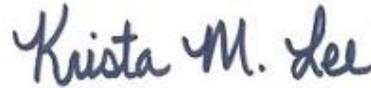
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voter fraud, can petition to have his or her rights restored under Tenn. Code Ann. § 40-29-105. A person whose rights have been restored is eligible to vote.

- The SOS will need to update the voter registration application to determine whether someone has been convicted of the particular felonies listed in the bill, rather than any felony. It is assumed that the SOS can update the application within their existing resources. However, the SOS will need to reprint their current stock of voter registration applications.
- Voter registration applications are placed in various locations across the state including, but not limited to, 95 county election commission offices, approximately 643 post offices, public libraries, 95 county clerk offices, 95 register of deeds offices, and 95 county court houses.
- The SOS recently purchased new voter registration applications for approximately \$49,270. The bill will require SOS to update and purchase reprinted applications.
- The bill will result in a one-time increase in state expenditures estimated to be \$49,300.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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