

SENATE BILL 1289

By Yarbro

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

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

SECTION 1. This act shall be known and may be cited as the "Restoration of Voting Rights Act."

SECTION 2.

(a) The legislature finds that:

(1) Tennessee currently denies the right to vote to people convicted of a felony, not only while they are in prison, but also while they are living in the community under the supervision of probation and parole officers;

(2) The current disfranchisement law has a disproportionate impact on minorities, especially African-American and Latino men; and

(3) Voting is both a fundamental right and a civic duty. Restoring the right to vote strengthens our democracy by increasing voter participation and helps people who have completed their incarceration to reintegrate into society. Voting is an essential part of reassuming the duties of full citizenship.

(b) This act is enacted to strengthen democratic institutions by increasing participation in the voting process, to help people who have completed their incarceration to become productive members of society, and to streamline procedures for restoring the right to vote.

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 29, is amended by deleting part 2 and substituting instead the following:

**40-29-201.**

(a) A person shall forfeit the right to vote in a federal, state, county, or municipal election upon conviction of a felony and confinement to a federal or state correctional institution in the United States.

(b) A person who has been convicted of a felony and confined to a federal or state correctional institution in the United States shall be restored the right to vote in a federal, state, county, or municipal election when that person has been discharged from confinement.

(c) When a person is restored the right to vote, the department of correction shall provide that person with a voter registration form, assistance in filling out the form, and a document certifying the person is eligible to vote. The department shall deliver completed voter registration forms to the coordinator of elections.

(d) The department shall, on or before the fifteenth day of each month, transmit to the coordinator of elections a list of persons convicted of a felony who, during the preceding period, have become ineligible to vote; and a list of persons convicted of a felony who, during the preceding period, have become eligible to vote. The list shall contain each person's name, date of birth, date of entry of judgment of conviction, sentence, and last four (4) digits of the person's social security number or driver license number, if available.

**40-29-202.**

Before accepting a plea of guilty or nolo contendere to a felony, and before imposing a felony sentence after trial, the court shall notify the defendant that conviction will result in loss of the right to vote as long as the person is confined and that voting rights are restored upon discharge.

**40-29-203.**

(a) The secretary of state shall ensure that the statewide voter registration database is purged of the names of persons who are ineligible to vote because of a felony conviction and shall likewise ensure that the names of persons who are eligible

and registered to vote following restoration of voting rights are added to the statewide voter registration database in the same manner as all other names are added to that database.

(b) The secretary of state shall ensure that persons whose voting rights have been restored face no continued barriers to registration or voting.

(c) The secretary of state shall develop and implement a program to educate attorneys, judges, election officials, corrections officials including probation and parole officers, and members of the public about the requirements of this section, ensuring that:

(1) Judges are informed of the obligation to notify criminal defendants of the potential loss and restoration of voting rights;

(2) The department of correction is prepared to assist people with registration to vote, including forwarding completed voter registration forms to the coordinator of elections;

(3) The language on voter registration forms makes clear that people who have been disqualified from voting because of felony convictions regain the right to vote when they are discharged from incarceration;

(4) The department of correction is prepared to transmit lists of persons eligible and ineligible to vote to the secretary of state;

(5) Probation and parole officers are informed of the change in the law and are prepared to notify probationers and parolees that the probationer or parolee's right to vote is restored;

(6) Accurate and complete information about the voting rights of people who have been charged with or convicted of crimes, whether disenfranchising or not, is made available through a single publication to government officials and the public; and

(7) Pre-trial detainees who are eligible to register and vote are given the opportunity and assistance to do so, including assistance in securing and casting absentee ballots.

SECTION 4. Tennessee Code Annotated, Section 40-29-105, is amended by deleting subdivisions (b)(2), (b)(4), (b)(5), (b)(6), and (c)(7).

SECTION 5. Tennessee Code Annotated, Section 40-29-105(c)(2)(B), is amended by deleting the language "provided, that a person convicted of murder, rape, treason or voter fraud shall never be eligible to register and vote in this state;" in its entirety.

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it, and shall restore voting rights to all Tennessee residents who have completed a period of confinement for a felony conviction before, on, or after that date.