



Helping Voters Register Under Tennessee Law

Important: Voter registration drives in states have to follow certain state laws and rules, such as a rule against providing something of value in exchange for voter registration. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In Tennessee, an individual may register to vote if they:¹

- Are a U.S. citizen
- Will be 18 years old or older on or before the date of the next election
- Are a Tennessee resident
 - The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return; provided, that a person may not register to vote using a business location as the registration address when the sole basis for the person's presence at such location is based on a business or commercial use.²
 - A person may be a resident of a place regardless of the nature of the person's habitation, whether house or apartment, mobile home or public institution, owned or rented; however, a commercial address may not be used for residential purposes, unless the applicant provides evidence of such applicant's residential use of such address.³
- Have not been convicted of a felony after May 1981, or if they have been, has had their full rights of citizenship restored. This procedure currently involves either a court order or obtaining a Certificate of Restoration of Voting Rights. Persons convicted of certain crimes prior to January 15, 1973 may also have lost their voting rights, unless restored. 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.⁴

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** A person may be a resident of a place regardless of the nature of the person's habitation, whether house or apartment, mobile home or public institution, owned or rented; however, a commercial address may not be used for residential purposes, unless the applicant provides evidence of such applicant's residential use of such address.⁵
- **Felony Convictions:** 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.⁶ Persons who were convicted of a felony after May 18, 1981 must have their full rights of citizenship restored to register. This procedure currently involves either a court order or obtaining a Certificate of Restoration of Voting Rights. There are exceptions for particular crimes, which are permanently disenfranchising. Persons convicted of certain crimes prior to January 15, 1973 may also have lost their voting rights, unless restored. More information is available at the following website: <http://sos.tn.gov/products/elections/if-i-have-felony-conviction-can-i-vote>
- **College Students:** Tennessee law does not specifically address college students, except that a person does not gain or lose residence solely by reason of the person's presence or absence while a student at an institution of learning.⁷

PART 3: FILLING OUT AN APPLICATION

Tennessee's voter registration application includes the following fields that the form does not indicate as optional:⁸

- Checkboxes for citizenship and age
- Name
- Sex
- Residence address
- Mailing address, if different
- Date of birth
- City and state of birth
- Social Security number
- Phone number⁹
- Previous registration information, if any
- Checkbox for Tennessee residency
- Checkbox for felon status
- Signature of the applicant and date signed, affirming legal residence and truth of the statements in the application
 - If the applicant is unable to sign, the person who signed for applicant must sign and provide their address

PART 4: VOTER REGISTRATION DEADLINE

Applications must be submitted or postmarked not later than 30 days before an election for a person to vote in that election.¹⁰ When the 30th day before an election falls on a Saturday, Sunday, or legal holiday, applications for registration must be accepted and processed the next business day following such Saturday, Sunday, or legal holiday.¹¹ In addition, a mail registration form lacking a postmark, but signed and dated at least 30 days before an election, must be accepted as timely if it is received by the county election commission no later than the 27th day prior to the election.¹²

State statute provides that a qualified voter may correct a deficient but timely filed mail registration form if the voter files a completed registration application or otherwise corrects the deficiency on or before the next regularly scheduled November general election. The administrator must register the person to vote if the person is otherwise eligible to register.¹³ However, a Tennessee regulation promulgated in 1975 states that only applications which are complete upon receipt, or those which have been completed by inquiries on or before the deadline in the statute, will be considered as persons registered to vote in the election for which the deadline is applicable.¹⁴ Organizations should clarify the deadline for completing deficient applications with election officials.

Voters who move to a different county must re-register before the deadline.¹⁵

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	No.
<i>Are there restrictions on getting voter registration forms?</i>	No; state voter registration forms must be available in ample quantities for distribution to qualified groups and organizations demonstrating an interest in participating in voter registration work. ¹⁶
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	No.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote or other rules regarding submission of applications?</i>	There are no rules regarding who may help other register; however, there is some conflicting guidance regarding the means of application delivery. See details below, question A. Organizations should confirm submission procedures with local election officials.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Tennessee law does not address this issue.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter</i>	Yes, see details below, question B.

registration application?	
<i>Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	No; however there are special rules if a registrant's disability prevents them from signing or making a mark that do require the assistor's signature, see question C below.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	Tennessee law does not address this issue. However, at least one county voter registration drive guide indicates that drives should not make corrections or mark on voter registration applications. ¹⁷
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	Tennessee law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	No; however, groups must have applications postmarked no later than the 30th day before an election for the applicants to vote in that election. ¹⁸ When the 30th day before an election falls on a Saturday, Sunday, or legal holiday, applications for registration must be accepted and processed the next business day following such Saturday, Sunday, or legal holiday. ¹⁹
<i>What are the consequences for failing to submit applications on time?</i>	Tennessee law does not directly address that issue; however, there are penalties for failing to do things required by the election code and for preventing exercise of rights under the election law, see question D below.

<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	This is not addressed in Tennessee law; however, at least one county voter registration drive guide indicates that drives should not attempt to change or correct any information. ²⁰
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notification, see question E below for details.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	State statute provides that a qualified voter may correct a deficient but timely filed mail registration form if the voter files a completed registration application or otherwise corrects the deficiency on or before the next regularly scheduled November general election. See additional details below, question F.
<i>Who investigates and enforces the state rules?</i>	The Coordinator of Elections, with roles for county officials and the district attorney, see below question G.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state have restrictions on who may help others register to vote?

No; however, Tennessee regulations state that county election commissions will not accept application forms that are delivered to them in any manner other than through the postal service. Election commissions will receive them through delivery by the postal department in single application cards or by packages containing more than one application.²¹ Nevertheless, at least one county's drive guide indicates that applications can be hand delivered or mailed.²² Organizations should confirm submission procedures with local election officials.

B. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²³ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁴

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁵

DURING THE DRIVE

C. *Must the registration drive worker sign their name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?*

No; however, if a registrant's disability prevents them from writing a signature or making a mark, the person who assists the registrant must write the name for the registrant. Such person must indicate this action by signing their name immediately after the space for the registrant's signature or mark.²⁶

D. *What are the consequences for failing to submit voter registration applications on time?*

Tennessee law does not directly address that issue. However, a person commits a Class C misdemeanor if such person knowingly does any act prohibited by the election laws (Title 2), or if such person knowingly fails to do any act which such person is required to do by this title, or if such person knowingly does any act with the intent that another shall do an act prohibited by the election laws.²⁷ In addition, a person who knowingly does any act for the purpose of preventing exercise of such person's rights under the election laws (Title 2) commits a Class A misdemeanor.²⁸

E. *How will an applicant know whether the election official received the application?*

Registration notification forms advising the applicant of the acceptance or rejection of the applicant's registration must be completed and mailed by the county election commission to the applicant.²⁹ If the administrator of elections determines that the registrant is not entitled to be registered, the administrator must tell the registrant the reason, write the reason on the back of the original permanent registration record, and file the original and the duplicate alphabetically in a binder of rejected registrations.³⁰ If the administrator of elections determines that the registrant is entitled to register, the administrator must give or mail to the voter a registration card certifying the voter is registered.³¹

F. *How may an applicant correct an incomplete application after it has been submitted to election officials?*

State statute provides that a qualified voter may correct a deficient but timely filed mail registration form if the voter files a completed registration application or otherwise corrects the deficiency on or before the next regularly scheduled November general election. The administrator shall register the person to vote if the person is otherwise eligible to register.³² However, a Tennessee regulation promulgated in 1975 states that only applications which are complete upon receipt or those which have been completed by inquiries on or before the deadline specified by the statute will be considered as persons registered to vote in the election for which the deadline is applicable.³³ Organizations should clarify the deadline for completing deficient applications with election officials.

According to regulation, election officials must conduct an appropriate verification inquiry in the following instances:

- The form is incomplete;
- The information is unclear or inconsistent;
- The information appears to be a duplicate;
- The official cannot determine the district, precinct, or ward of residence; or
- It is uncertain for any other reason what action should be taken on the application.

When a voter registration form is subject to inquiry, the county election commission must contact the applicant by phone or letter, advising the applicant of (1) the nature of the problem with the voter registration form already submitted; (2) steps needed to be taken to remedy the problem; and (3) where appropriate, any time limit for taking action. Under no circumstances may the voter registration form be returned to the applicant. The voter will be required to complete another form and mail it to the County Election Commission.³⁴

G. *Who is responsible for investigating and enforcing the state rules?*

The Coordinator of Elections, who is appointed by and serves at the pleasure of the Secretary of State, is the chief administrative election officer of the state and must obtain and maintain uniformity in the application, operation and interpretation of the election code. The Coordinator of Elections has rulemaking authority subject to the concurrence of the Secretary of State.³⁵

Among other roles, the Coordinator of Elections must prepare instructions for the conduct of registration, authoritatively interpret the election laws for all persons administering them, investigate or have investigated by local authorities the administration of the election laws, report violations to the district attorney general or grand jury for prosecution, and review the county election commissions in their administration of election laws. In conducting an investigation or review, the Coordinator of Elections or the Coordinator's authorized representative may issue subpoenas and summon witnesses, administer oaths to such witnesses, take the depositions of witnesses, compel the production of documents, exhibits, records or things, and require testimony. If a subpoena is issued, such subpoena must be issued to a person for the purpose of testifying before the state election commission in an open meeting.³⁶

The Coordinator of Elections must audit at least 10 county election commissions annually to ensure that all required information fields on the permanent registration forms are being completed with minimal errors and that voters with deficient registrations are being given the opportunity to correct incorrect or omitted information.³⁷

Whenever a state or county official has reason to believe that individuals who are not qualified voters are attempting to register to vote under the provisions of this chapter, that official must notify the Coordinator of Elections and request the assistance of the Coordinator of Elections to prevent the fraudulent registration. The Coordinator of Elections must give such reasonable and expeditious assistance as the coordinator deems appropriate in such cases. If a state or county official determines that there is a pattern of fraudulent registration, or any activities on the part of any individuals to vote who are not qualified voters, the Coordinator of Elections must request the district attorney general within whose district these actions may occur, to bring action under this section. The district attorney general must bring civil action in any appropriate court in Tennessee to secure an order to prevent fraudulent registration.³⁸

WEB PAGE OF STATUTE

<http://www.lexisnexis.com/hottopics/tncode/>(Expand Title 2, Elections)

For more information, contact:

Project Vote

1420 K Street NW, Suite 700
Washington, D.C. 20005
(888) 546-4173
www.projectvote.org

Last Revised 05/2016

DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Tenn. Const. Art. 4, § 1; Tenn. Code Ann. §§ 2-2-102, 2-2-104

² Tenn. Code Ann. § 2-2-122(a)(1)

³ Tenn. Code Ann. § 2-2-122(a)(6)

⁴ Tenn. Code Ann. § 2-2-139 (as modified by *Gaskin v. Collins*, 661 S.W.2d 865 (Tenn. 1983); Tenn. Sec’y of State, *If I have a felony conviction, can I vote?*, <http://sos.tn.gov/products/elections/if-i-have-felony-conviction-can-i-vote> (last visited May 16, 2016).

⁵ Tenn. Code Ann. § 2-2-122(a)(6)

⁶ Tenn. Code Ann. § 2-2-139; Tenn. Sec’y of State, *If I have a felony conviction, can I vote?*, <http://sos.tn.gov/products/elections/if-i-have-felony-conviction-can-i-vote> (last visited May 16, 2016).

⁷ Tenn. Code Ann. § 2-2-122

⁸ Tenn. Secretary of State, *Mail-in Application for Voter Registration* (rev. May 2015), available at <http://sos-tn-gov-files.s3.amazonaws.com/forms/ss-3010.pdf>

⁹ At least one county guide indicates that phone number is optional. Montgomery Co. Elec. Comm’n, *Guide for Voter Registration Drive 5* (last revised Feb. 2014), available at <http://www.mcgtm.org/sites/default/files/election/GUIDE%20TO%20REGISTRATION%20DRIVES.pdf> (“Montgomery Co. Voter Reg. Drive Guide”)

¹⁰ Tenn. Code Ann. § 2-2-109(a)

¹¹ Tenn. Code Ann. § 2-2-109(b)

¹² Tenn. Code Ann. § 2-2-109(a) (as amended by 2016 Tenn. L. Pub. Ch. 827 (SB 1945)).

¹³ Tenn. Code Ann. § 2-2-109(a) (as amended by 2016 Tenn. L. Pub. Ch. 827 (SB 1945)).

¹⁴ Tenn. Comp. R. & Regs. 1360-02-11-.08

¹⁵ Tenn. Code Ann. § 2-2-129(a)(2)

¹⁶ Tenn. Comp. R. & Regs. 1360-02-11-.06

¹⁷ Montgomery Co. Voter Reg. Drive Guide at 7.

¹⁸ Tenn. Code Ann. § 2-2-109(a)

¹⁹ Tenn. Code Ann. § 2-2-109(b)

²⁰ Montgomery Co. Voter Reg. Drive Guide at 2, 7.

²¹ Tenn. Comp. R. & Regs. 1360-02-11-.06(2)

²² See Montgomery Co. Voter Reg. Drive Guide at 3, 7.

²³ 52 U.S.C. § 10307(c)

²⁴ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

²⁵ California Secretary of State, *Guide to Voter Registration Drives 11*, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (Rev. Jan. 2016)

²⁶ Tenn. Code Ann. § 2-2-119

²⁷ Tenn. Code Ann. § 2-19-102

²⁸ Tenn. Code Ann. § 2-19-103

²⁹ Tenn. Code Ann. § 2-2-115(a)(3)

³⁰ Tenn. Code Ann. § 2-2-125(a)

³¹ Tenn. Code Ann. § 2-2-124(a)

³² Tenn. Code Ann. § 2-2-109(a) (as amended by 2016 Tenn. L. Pub. Ch. 827 (SB 1945)).

³³ Tenn. Comp. R. & Regs. 1360-02-11-.08

³⁴ Tenn. Comp. R. & Regs. 1360-02-11-.07

³⁵ Tenn. Code Ann. § 2-11-201

³⁶ Tenn. Code Ann. § 2-11-202

³⁷ Tenn. Code Ann. § 2-2-120(c)(4)

³⁸ Tenn. Code Ann. § 2-2-115(b)(5)-(6)