

HOUSE BILL 458

By Rudd

AN ACT to amend Tennessee Code Annotated, Title 2 and
Title 55, Chapter 50, relative to elections.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-141(a), is amended by deleting the subsection and substituting instead:

(a) The coordinator of elections shall make monthly comparisons of the statewide voter registration database with the department of safety database to ensure non-United States citizens are not registered to vote in this state. The coordinator of elections is further authorized to compare the statewide voter registration database with those of relevant federal and state agencies, including the systematic alien verification for entitlements (SAVE) program database, department of safety, department of correction, state vital records division, state welfare and public assistance agencies, and county records for the same purpose. If evidence exists that a particular registered voter is not a citizen of the United States, then the coordinator of elections shall notify the county election commission where the person is registered to vote that the registered voter may not be a citizen of the United States.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) A registered voter may challenge the qualifications of another person applying to register to vote in the county or the qualifications of a person whose name appears on the voter registration list. A registered voter challenging another person's qualifications under this section shall make the challenge in writing and specify with

particularity the grounds of the challenge. There is no limit on the number of persons whose qualifications such voter may challenge.

(b) Upon such challenge being filed with the county election commission, the commission shall notify the person whose qualifications are being challenged of the challenge within ten (10) business days after the challenge is filed. The notice must include the date, time, and place of the hearing, which must be set no sooner than ten (10) business days after serving notice of the challenge, and include a copy of the challenge. Such notice must be served by first-class mail addressed to the mailing address shown on the person's voter registration records.

(c) The voter making the challenge has the burden to prove that the person being challenged is not qualified to be registered or remain on the list of voters.

(d) After the hearing, the county election commission shall make a determination and notify the parties of their decision. If the county election commission upholds the challenge, then the person's application for registration must be rejected or the person's name removed from the list of voters, as appropriate. The county election commission shall notify the person of such decision in writing by first-class mail addressed to the mailing address shown on the person's voter registration records.

(e) Either party may appeal from the decision of the county election commission to the state election commission by filing a petition with the state election commission within ten (10) days after the date of the decision of the commissioners. A copy of the petition must be served upon the other parties and the county election commission. Unless and until the decision of the county election commission is reversed by the state election commission, the decision of the county election commission stands.

SECTION 3. Tennessee Code Annotated, Section 2-2-115(b)(7), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) Each person who registers by mail or online, or through an agency other than a county election commission or the department of safety, shall appear in person to vote in the first election the person votes in after such registration becomes effective. Before voting at the appropriate polling place or election commission office, the person shall present satisfactory proof of identity.

(b) The requirement to appear in person to vote in the first election does not apply to:

(1) A person who is on the permanent absentee voting register; or

(2) A person who is in the address confidentiality program under title 40, chapter 38, part 6.

SECTION 5. Tennessee Code Annotated, Section 2-6-201(5)(A), is amended by deleting the subdivision and substituting instead:

(A) A person sixty-five (65) years of age or older when the person requests to vote absentee;

SECTION 6. Tennessee Code Annotated, Section 2-5-207(b)(2), is amended by deleting the subdivision and substituting instead:

(2) Except for ballots authorized by state or federal law to be delivered electronically to qualified voters who are entitled to vote by absentee ballot, all ballots must include a watermark approved by the coordinator of elections. The coordinator of elections may define the method and type of watermark to be placed on the ballot and may authorize the use of invisible ink or pre-printed opaque images to produce the watermark. The watermark must be easily discernible for verification purposes by the counting board.

SECTION 7. Tennessee Code Annotated, Section 2-20-101, is amended by adding the following as a new subsection:

(d) All optical scanners used to tabulate votes must scan the hand-marked selections or the machine-printed text selections. A QR code, bar code, or similar code that is unreadable by a human must not be used as a marking to be scanned by an optical scanner for vote tabulation.

SECTION 8. Tennessee Code Annotated, Section 2-8-108, is amended by adding the following as new subsections:

(c) Optical scanners used to tabulate votes must create and save a digital image of each ballot scanned. The digital images must have a resolution of at least six hundred (600) dots per inch.

(d) The secretary of state shall, no later than the second Friday after an election, make available on the secretary of state's website the digital images created pursuant to subsection (c).

SECTION 9. Tennessee Code Annotated, Section 2-2-106(b), is amended by deleting the following language:

The county election commission shall complete the address verification process at least on a biennial basis, but may do so annually.

and substituting instead:

The county election commission shall complete the address verification process at least quarterly and not less than thirty (30) days after beginning the process.

SECTION 10. Tennessee Code Annotated, Section 2-2-106(c)(1), is amended by deleting the subdivision and substituting instead:

(1) To identify any voter who has changed the voter's address of residence without notifying the county election commission, the address verification program

implemented by the county election commission under subsection (b) must use one (1) or more of the following sources:

(A) The return of mail sent by the county election commission to the voter at the voter's address of registration. The mail sent to the voter may include, without limitation, a non-forwardable verification card, a non-forwardable voter registration card, or a notice mailed pursuant to § 2-3-105 or § 2-5-211;

(B) The United States postal service's national change of address service;

(C) Information received from the coordinator of elections as a result of a comparison of voter registration addresses with the residential addresses of record with the department of safety. The coordinator of elections shall transmit this information to the county election commissions at least thirty (30) days prior to the end of each quarter. To conduct the comparison of residential addresses, the department of safety and the coordinator of elections shall retrieve the data applicable to the voter's address of residence and match the voter's registration address with data applicable to the voter's matching record with the department of safety. The coordinator of elections shall obtain from the department of safety a list of all persons who have surrendered their Tennessee driver license while obtaining a driver license from another state;

(D) Information received from the coordinator of elections as a result of a comparison of voter registration addresses with the residential addresses of record with another state agency, including, but not limited to, state welfare and public assistance agencies. The coordinator of elections shall transmit this information to the county election commissions at least thirty (30) days prior to the end of each quarter. The coordinator of elections shall compare the

statewide voter registration database with those of other relevant state agencies and county records for this purpose; and

(E) Information received from the coordinator of elections as a result of a comparison of voter registration addresses to commercially available data, such as data from credit agencies. The coordinator of elections shall transmit this information to the county election commissions at least thirty (30) days prior to the end of each quarter.

SECTION 11. Tennessee Code Annotated, Section 2-2-120(a), is amended by deleting the subsection and substituting instead:

(a) Prior to adding a registrant to a county's voter registration list, the administrator of elections shall determine, from the registrant's answers to the questions on the permanent registration record or other questions and from checking state databases regarding residency and citizenship, whether the registrant is entitled to register. If the administrator determines that the registrant is entitled to register, then the administrator shall declare the registrant a registered voter.

SECTION 12. Tennessee Code Annotated, Section 2-2-120, is amended by adding the following as a new subsection:

(d) At least monthly, each county election commission shall conduct routine voter list maintenance to ensure that all voter registrations are being maintained and checking for accuracy of the voter registration list.

SECTION 13. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following as a new section:

A driver license or photo identification license issued to a person who is a legal resident but who is not a United States citizen must indicate that the person to whom the

license was issued is not eligible to vote by having printed prominently on the front of the license the following:

NOT ELIGIBLE TO VOTE

SECTION 14. Tennessee Code Annotated, Section 2-3-109(e)(2)(B), is amended by deleting the language "§ 2-2-115(b)(7)" and substituting instead "SECTION 4".

SECTION 15. Tennessee Code Annotated, Section 2-6-201, is amended by deleting the language "§ 2-2-115(b)(7)" and substituting instead "SECTION 4".

SECTION 16. This act takes effect July 1, 2025, the public welfare requiring it.