

HOUSE BILL 616

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 2 and  
Title 40, relative to restoration of citizenship rights.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-102, is amended by deleting subsection (a) and substituting:

(a) A citizen of the United States eighteen (18) years of age or older who is a resident of this state is a qualified voter unless the citizen is:

(1) Disqualified under this title;

(2) Currently imprisoned in a penal institution, on probation, or on parole for a judgment of infamy; or

(3) A person described in § 40-29-204.

SECTION 2. Tennessee Code Annotated, Section 2-2-116, is amended by deleting the language "If the answer to question ten (10) is "yes," have you received a pardon or had your full rights of citizenship restored by a court for all crimes listed?" and substituting:

If the answer to question ten (10) is "yes," have you received a pardon, had your full rights of citizenship restored by a court, or completed any sentence of incarceration, probation, or parole for all crimes listed?

SECTION 3. Tennessee Code Annotated, Section 2-2-139(a), is amended by adding the following new subdivision:

(4) The person's right of suffrage has been restored due to the expiration of the sentence imposed for the infamous crime.

SECTION 4. Tennessee Code Annotated, Section 2-2-139(b), is amended by deleting the subsection and substituting:

(b)

(1) For purposes of this section, the following document is sufficient proof to the administrator that the person fulfills the above requirements as to the offense or offenses specified:

(A) A pardon;

(B) A certified copy of a judgment of a court of competent jurisdiction; or

(C) A certificate of voting rights restoration, upon a form prescribed by the coordinator of elections, issued by:

(i) The warden or an agent or officer of the incarcerating authority; or

(ii) A parole officer, probation officer, or another agent or officer of the supervising authority.

(2) Notwithstanding subdivision (b)(1), before allowing a person convicted of an infamous crime to become a registered voter, the administrator in each county shall verify with the state coordinator of elections that the person is eligible to register under this section.

SECTION 5. Tennessee Code Annotated, Section 2-19-143, is amended by deleting the section and substituting:

The following provisions govern the exercise of the right of suffrage for those persons convicted of an infamous crime:

(1) A person who has been convicted of an infamous crime, as defined by § 40-20-112, in this state shall not be permitted to register to vote or vote at any election unless:

(A) The person has been pardoned by the governor. However, the governor may attach to any such pardon a special condition that such person shall not have the right of suffrage until a date certain in the future, or until the expiration of the pardoned sentence, whichever period of time is less;

(B) The person's full rights of citizenship have been restored as prescribed by law; or

(C) The person's right of suffrage has been restored due to the expiration of the sentence imposed for the infamous crime;

(2) A person who has been convicted in federal court of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall not be allowed to register to vote or vote at any election unless:

(A) The person has been pardoned or restored to the full rights of citizenship by the president of the United States;

(B) The person's full rights of citizenship have otherwise been restored in accordance with federal law or the law of this state; or

(C) The person's right of suffrage has been restored due to the expiration of the sentence imposed for the infamous crime;

(3) A person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state,

regardless of the sentence imposed, shall not be allowed to register to vote or vote at any election in this state unless:

(A) The person has been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state;

(B) The person's full rights of citizenship have otherwise been restored in accordance with the laws of such other state, or the law of this state; or

(C) The person's right of suffrage has been restored due to the expiration of the sentence imposed for the infamous crime; and

(4) The provisions of this section, relative to the forfeiture and restoration of the right of suffrage for those persons convicted of infamous crimes, also apply to those persons convicted of crimes prior to May 18, 1981, which are infamous crimes after May 18, 1981.

SECTION 6. Tennessee Code Annotated, Section 40-29-101, is amended by deleting subsection (c) and substituting:

(c) A person convicted of an infamous crime may petition for restoration of full rights of citizenship upon the expiration of the sentence imposed for the infamous crime.

(d) Except as provided in § 40-29-204, a conviction for an infamous crime renders a person ineligible to vote only while the person is currently imprisoned in a penal institution, serving parole, or on probation for that conviction.

SECTION 7. Tennessee Code Annotated, Section 40-29-105(b)(2), is amended by deleting the subdivision and substituting:

(2) A conviction for an infamous crime renders a person ineligible to vote only while the person is currently imprisoned in a penal institution, on parole, or on probation

for that conviction; except that a person rendered infamous after July 1, 1986, by virtue of being convicted of one (1) of the following crimes, shall never be eligible to register and vote in this state:

- (A) First degree murder;
- (B) Aggravated rape;
- (C) Treason; or
- (D) Voter fraud;

SECTION 8. Tennessee Code Annotated, Section 40-29-202, is amended by deleting the section and substituting instead the following:

(a) A person convicted of an infamous crime is rendered ineligible to vote only while imprisoned in a penal institution, on parole, or on probation for that conviction; except that those persons described in § 40-29-204 shall never be eligible to vote in this state.

(b) The right of suffrage for any person, including those rendered infamous and temporarily deprived of suffrage due to incarceration, probation, or parole for that conviction, shall not be further infringed or denied due to the inability or failure to pay any monetary obligations, including, but not limited to, civil or criminal penalties, restitution, court costs, or child support.

SECTION 9. Tennessee Code Annotated, Section 40-29-203, is amended by deleting the section and substituting instead the following:

(a) A person convicted of an infamous crime who becomes eligible to vote pursuant to § 40-29-202 upon completion of the person's sentence shall be issued a certificate of voting rights restoration upon a form prescribed by the coordinator of elections, by:

- (1) The pardoning authority;

- (2) The warden or an agent or officer of the incarcerating authority; or
- (3) A parole officer, probation officer, or another agent or officer of the supervising authority.

(b) The issuing authority shall supply the person being released with a written statement explaining the purpose and effect of the certificate of voting rights restoration and explaining the procedure by which the person may use the certificate to apply for and receive a voter registration card.

(c) A certificate of voting rights restoration issued pursuant to subsection (a) is sufficient proof that the person named on the certificate is no longer disqualified from voting by reason of having been convicted of an infamous crime.

(d) A person issued a certificate of voting rights restoration pursuant to this section may submit the completed certificate to the administrator of elections of the county in which the person is eligible to vote as sufficient proof of rights restoration. If submitted, then the administrator of elections shall send the certificate to the coordinator of elections who shall verify that the certificate was issued in compliance with this section. Upon determining that the certificate complies with this section, the coordinator shall notify the appropriate administrator of elections and, after determining that the person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator shall grant the application for a voter registration card. The administrator shall issue a voter registration card and the card shall be mailed to the applicant in the same manner as provided for any newly issued card.

(e) A person who does not submit a certificate of voting rights restoration as outlined in subsection (d) shall not be denied a voter registration card due to absence of the certificate. A voter registration form submitted by such person, absent a rights restoration certificate, shall be reviewed by the appropriate administrator of elections

who will verify with the secretary of state that the person is eligible to register. If the administrator of elections determines that the person may register, then the administrator of elections shall use the same verification procedure used for any applicant and grant the application for a voter registration card if appropriate.

(f) The department of correction shall communicate at least twice monthly to the secretary of state a list of those newly eligible persons described in § 40-29-202 to include the name, date of birth, and social security number to enable voter registration upon application as described in subsection (e). The secretary of state shall communicate the eligibility with the appropriate administrator of elections as described in subsection (e).

SECTION 10. This act takes effect upon becoming a law, the public welfare requiring it.