

HOUSE BILL 1310

By Turner

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to the "Voter Protection Act."

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

SECTION 1. Tennessee Code Annotated, Title 2, is amended by adding the following sections as a new chapter:

2-21-101. This chapter shall be known and may be cited as the "Voter Protection Act."

2-21-102.

(a) The general assembly finds that:

(1) Recent elections have exposed serious flaws in our nation's voting systems. Across the nation, millions of registered voters who wanted to vote were turned away or discouraged from voting due to voter intimidation and suppression tactics, as well as through communications failures and mistakes;

(2) In this state, many voters were discouraged from voting in the last general election;

(3) In order to protect the right to vote for all its citizens, the state must ban voter intimidation and voter suppression, establish a voter's bill of rights, and provide election officials and voters a manual of election procedures; and

(4) The purpose of this chapter is to protect and enhance the most basic right in a democracy, that being all qualified adults are guaranteed the right to vote.

2-21-103.

(a) As used in this section:

(1) "Election" means any federal, state, or local election held in this state;
and

(2) "Election official" means a person or group of persons directing the
conduct of elections at the precinct, county, or statewide level.

(b)

(1) It is an offense for a person to use or threaten force or violence, or
use any tactic of coercion or intimidation to induce or compel any other person to:

(A) Vote or refrain from voting;

(B) Vote or refrain from voting for any particular candidate or
ballot measure; or

(C) Refrain from registering to vote.

(2) It is an offense for a person to knowingly attempt to prevent or deter
another person from voting or registering to vote based on fraudulent, deceptive,
or spurious grounds or information, including:

(A) Challenging another person's right to register or vote based
on knowingly false information;

(B) Attempting to induce another person to refrain from
registering or voting by providing that person with knowingly false
information; or

(C) Attempting to induce another person to refrain from
registering or voting at the proper place or time by providing that person
with knowingly false information about the date, time, place, or manner of
the election.

(c) County election commissions shall post the following voter's bill of rights at
every polling place, include it with every distribution of official sample ballots, and offer it
to voters at polling places, in accordance with procedures approved by the state election
commission:

VOTER'S BILL OF RIGHTS

Every registered voter in this state has the right to:

- (1) Inspect a sample ballot before voting;**
- (2) Cast a ballot if he or she is in line when the polls are closing;**
- (3) Ask for and receive assistance in voting, including assistance in languages other than English where required by federal or state law;**
- (4) Receive a replacement ballot if he or she makes a mistake prior to the ballot being cast;**
- (5) Cast a provisional ballot if his or her eligibility to vote is in question;**
- (6) Vote free from coercion or intimidation by election officials or any other person; and**
- (7) Cast a ballot using voting equipment that accurately counts all votes.**

(d) In any political subdivision or precinct where federal or state law requires the ballot to be made available in a language other than English, the voter's bill of rights must be made available in such language or languages.

(e) The state election commission must create a manual of uniform polling place procedures and adopt the manual by promulgation of rules. County election commissions shall ensure that the manuals are available in hard copy or electronic form at every precinct in the commission's jurisdictions on election day. The manual will guide election officials in the proper implementation of election laws and procedures. The manual will be indexed by subject and written in clear, unambiguous language. The manual will provide specific examples of common problems encountered at the polls on

election day, and detail specific procedures for resolving those problems. The manual must include, but not be limited to, the following:

(1) Regulations governing solicitation by individuals and groups at the polling place;

(2) Procedures to be followed with respect to voters whose names are not on the precinct register;

(3) Proper operation of the voting system;

(4) Ballot handling procedures;

(5) Procedures governing spoiled ballots;

(6) Procedures to be followed after the polls close;

(7) Rights of voters at the polls;

(8) Procedures for handling emergency situations;

(9) Procedures for handling and processing provisional ballots; and

(10) Security procedures.

(f) A violation of subdivision (b)(1) is punishable as a Class D felony.

(g) A violation of subdivision (b)(2) is punishable Class E felony.

(h) Any other knowing violation of this section is punishable Class A misdemeanor.

(i) The state election commission shall promulgate rules necessary to carry out and enforce this section.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.