

HOUSE BILL 2121

By Warner

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to voter registration.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-106(b), is amended by adding "and the state coordinator of elections" after "the responsibility of the county election commission".

SECTION 2. Tennessee Code Annotated, Section 2-2-106(b), is amended by deleting the language "county election commission shall" and substituting the language "county election commission and state coordinator of elections shall" wherever it appears.

SECTION 3. Tennessee Code Annotated, Section 2-2-106(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) To identify a voter who has changed the voter's address of residence without notifying the state or the county election commission, the address verification program implemented by the county election commission or coordinator of elections under subsection (b) must use the following sources:

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

(B) 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. To conduct the comparison of residential addresses, the department of safety and the coordinator of elections may 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 may 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.

(2) To identify a voter who has changed the voter's address of residence without notifying the state or the county election commission, the address verification program implemented by the county election commission or coordinator of elections under subsection (b) must use 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.

(3) The coordinator of elections may contract with commercial data companies, including, but not limited to, credit agencies to verify and audit information in the voter registration lists, including, but not limited to, citizenship status and residence.

(4) If, as a result of the address verification program, the state coordinator of elections or the county election commission determines that a voter may have changed the voter's address of residence, the administrator of elections shall mail a forwardable confirmation notice to the voter at the address of registration with a postage prepaid, pre-addressed return form on which the voter may verify or correct the new address information.

SECTION 4. Tennessee Code Annotated, Section 2-2-133, is amended by deleting subsection (c), substituting the following, and redesignating the remaining subsection accordingly:

(c) The coordinator of elections may conduct independent audits of the voter registration file using commercial groups that identify deceased individuals as part of their businesses.

(d) The county election commission shall cancel the registration of each deceased person listed under the reports in subsection (a) or (b), in accordance with the provisions of this chapter. The commission should thoroughly investigate the status of the registrants identified by the audits in subsection (c) and cancel the registration of registrants found to be deceased.

SECTION 5. Tennessee Code Annotated, Section 2-2-140, is amended by adding the following new subsection:

() The state coordinator of elections shall not enter into an agreement with other states or contract with an entity for the purposes of list maintenance if that agreement or contract requires documents related to list maintenance to be withheld from public inspection.

SECTION 6. Tennessee Code Annotated, Title 2, Chapter 2, is amended by adding the following new part:

(a) The general assembly has legal standing to bring suit against state government officials, including, but not limited to, the governor, secretary of state, or another state election official who makes or attempts to make unauthorized changes in state election laws and regulations or to waive such laws or regulations, including through settlement agreements or consent decrees.

(b) The general assembly is deemed to be a necessary party in a lawsuit against a state agency, state department, or state government official, including, but not limited to, the governor, secretary of state, or a state election official, contesting the legality or constitutionality of an election law or regulation or involving illegal or unauthorized changes or attempted changes to state election laws or regulations.

(c) An individual validly registered in this state may file a writ of mandamus, in accordance with state law governing such writs, against a state or local official who fails to abide by or enforce a state election law or regulatory requirement. In the case of a contested election, as long as said writ of mandamus is filed within thirty (30) days of the conclusion of tabulation of such votes, it must be considered timely filed.

SECTION 7. If a provision of this act or the application of a provision of this act to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.