



April 8, 2019

VIA ELECTRONIC MAIL, FACSCIMILE, & POSTAL MAIL

Senator Steven Dickerson
Chairman, Senate State & Local Government Committee
425 5th Avenue North
774 Cordell Hull Bldg.
Nashville, TN 37243

Senator Richard Briggs
1st Vice-Chair, Senate State & Local Government Committee
425 5th Avenue North
770 Cordell Hull Bldg.
Nashville, TN 37243
Lt. Governor and Senate Speaker Randy McNally
425 5th Avenue North
774 Cordell Hull Bldg.
Nashville, TN 37243

Governor Bill Lee
Tennessee Governor State Capitol, 1st Floor
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243

House Speaker Glen Cascada
Speaker of the House of Representatives
425 5th Avenue North
600 Cordell Hull Bldg.
Nashville, TN 37243

Secretary Tre Hargett
Tennessee Secretary of State
State Capitol
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243-1102

Re: Opposition to HB1079/SB971—restrictions on third-party voter registration drives

Dear Chairman Dickerson, 1st Vice-Chair Briggs, Members of the Senate State and Local Committee, Lieutenant Governor McNally, House Speaker Cascada, Secretary Hargett, and Governor Lee:

We write to express our opposition to House Bill 1079/Senate Bill 971.¹ Although we have numerous concerns about specific provisions of the bill, which are set forth below, we believe that, if enacted, the overall effect of the bill will be to deter third-party individuals and bipartisan voter registration groups from engaging in constitutionally protected activity of helping others vote. It is the combination of seemingly innocuous preregistration requirements such as preregistration, training, certifying that one will obey the law, providing tracking numbers for mailing of registration forms, ensuring that there are no “deficient” forms—in the context of potentially draconian criminal and civil penalties—that will have a chilling effect on voter registration drives. The bill’s text and application are overbroad, confusing, ambiguous, and worst of all needlessly intimidating. Even with Representative Rudd’s proposed amendment that exempts unpaid individuals and groups registering voters from the bill’s requirements, the bill threatens to punish community members, faith groups, and civic organizations that, in good faith, lawfully run drives that register eligible voters who otherwise would not have registered. The addition of another section in the proposed bill that criminalizes “public communications” and voter registration lookup if there is no accompanying disclaimer that such communication is not authorized by the Tennessee Secretary of State is especially concerning to third-party groups in the state that provide assistance to voters over the phone, train volunteers, and share voter registration resources on their website or at in-person trainings. Furthermore, the fact that the bill may go into effect on October 1, 2019 is even more alarming given that there are only a few months to educate local and statewide groups on the new requirements. Attachment C.

We oppose the proposed bill and amendment and urge you not to pass HB1079/SB971 for the reasons articulated below:

1. Overall, the proposed bill threatens to have a chilling impact on the right of innocent people and organizations to help others vote

“Historically, the primary focus of voter registration drives has been low and moderate-income, minority, and other disenfranchised communities, as well as the disabled.” *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 699 (2006). The proposed bill threatens voter registration drives by creating a

¹ The groups include the Lawyers’ Committee for Civil Rights Under Law, Tennessee State Conference of the NAACP, The Equity Alliance, Tennessee Black Voter Project, Democracy Nashville-Democratic Communities, the Interdenominational Ministers Fellowship, the League of Women Voters of Tennessee, and the Urban League of Middle Tennessee.

whole host of bureaucratic hurdles including preregistration, training, mailing, tracking, compensation, and quota requirements, that—coupled with the severe criminal and civil penalties and the required sworn statement that the person will obey the law—threaten to deter voter registration groups from registering people to vote. And, Section 8 of the proposed bill criminalizing certain “public communications” including voter registration lookups on a public website would have an immensely harmful impact on third-party groups working on voter protection efforts to train volunteers to answer calls from voters who often have questions about their registration status. Numerous news sources have reported on the chilling effect the bill would have on voter registration drives all over the state.²

The adverse impact of this proposed law will undoubtedly be felt disproportionately on underrepresented communities who benefit from the efforts of voter registration drives conducted by bipartisan organizations. These groups include women, African Americans and other racial minorities, disabled individuals, and veterans.

In addition, the amendment proposed by Representative Tim Rudd exempting certain individuals and groups from the bill’s requirements does not cure the chilling impact the bill would continue to have on third-party registration groups. Attachment B.

2. The bill fails to ensure that all trainings are provided at accessible times and locations and in an accessible format

The proposed bill requires all persons or organizations running voter registration drives attempting to register more than 100 voters to complete training on the laws and procedures governing the voter registration process and it also states that the training administered may be web based. § 2-2-111(e). The bill does not provide language on who conducts trainings, how often they would be offered, and whether they would be provided in accessible formats. Trainings that are readily accessible and convenient are valuable to community groups and persons involved in voter registration drives. However, omitting any language on accessibility and leaving broad discretion without a guiding intelligible principle to state agencies and individual county boards can be problematic.

Trainings can become a barrier to voter registration when there is no accompanying requirement that the trainings also be accessible.³ We oppose the bill because it does not contain language requiring accessibility or indicate the roles of state versus local actors in providing such trainings.

² Joel Ebert, *Voter Registration Groups Could Face Fines for Too Many Incomplete Forms Under New Bill*, Tennessean (Apr. 2, 2019, 9:44 AM), <https://www.tennessean.com/story/news/politics/2019/04/02/tennessee-voter-registration-groups-could-face-fines-too-many-incomplete-forms-under-new-bill/3337072002/>; Sergio Martínez-Beltrán, *Voter Registration Groups Could Soon Be Fined If They Submit Incomplete Applications*, NPR (Apr. 2, 2019, 6:52 PM), Nashville Pub. Radio, <https://www.nashvillepublicradio.org/post/voter-registration-groups-could-soon-be-fined-if-they-submit-incomplete-applications#stream/0>; Allegra Kirkland, *TN Sec Of State Pushes Bill Exposing Voter Registration Groups To Criminal Penalties*, Talking Points Memo (Apr. 3, 2019, 12:12 PM), <https://talkingpointsmemo.com/news/tennessee-secretary-state-pushes-bill-criminal-civil-penalties-voter-registration>.

³ See Diana Kasdan, *State Restrictions on Voter Registration Drives*, BRENNAN CTR. FOR JUSTICE 6, <https://www.brennancenter.org/sites/default/files/legacy/publications/State%20Restrictions%20on%20Voter%20Registration%20Drives.pdf>.

3. The sworn certification requirement and accompanying criminal penalty may have a chilling effect on lawful and constitutionally protected activity

The proposed bill also requires that prior to registering voters, all organizations and persons attempting to register more than 100 voters must file a sworn statement that they “shall obey all state laws and procedures regarding the registration of voters,” (§ 2-2-111(a)(1)(D)), and any intentional or knowing violation of “any provision” will result in a Class A misdemeanor. § 2-2-111(f). Requiring the person or agent of an organization conducting a drive to sign a sworn certification that they will obey all state laws or face criminal penalties has the potential to intimidate community groups and other persons from conducting state registration drives. There is no reason for the State to require a person to sign such a statement, other than to add a level of unnecessary fear. This sworn certification requirement thus poses an additional hurdle to groups who wish to register eligible voters.

In 2012, a district court judge in Florida blocked implementation of a Florida law that required registration agents to “file a *sworn* statement that the agent ‘will obey all state laws and rules regarding the registration of voters.’” *League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155 (N.D. Fla. 2012) (emphasis in the original). The court found that “requiring a volunteer not only to sign such a statement, but to swear to it, could have no purpose other than to discourage voluntary participation in legitimate, indeed constitutionally protected, activities.” *Id.*

Similarly, here, the sworn certification requirement creates an additional barrier on third-party individuals and groups seeking to register voters.

4. The provision requiring mailed voter registration forms to include a tracking number that allows the sender to track the mailer is vague

Section 2-2-111(a)(2) of the proposed bill requires that any voter registration forms mailed to the election office be “mailed in a manner that provides a tracking number for the voter registration form and allows the sender or election commission to track the mailer.” This language is overbroad and vague because it is unclear from the face of the statute whether the authors of the bill meant that the tracking number be a U.S. postal tracking number or the voter registration form number as a tracking number.

Furthermore, the implication is that each registration form must be mailed separately, rather than being mailed in bulk. If that is intended by the provision, then it will have a further deterrent effect on the registration of voters. The cost of separate first-class mailing of each registration form—particularly with a USPS tracking number—may be prohibitively expensive.

5. The criminal penalties for violating section 2-2-142 are harsh and would suppress the activities of voter registration drives registering veterans, disabled individuals, women, and African-American voters in the state

The proposed bill imposes criminal penalties (Class A misdemeanor) for “intentionally or knowingly” violating any of the preregistration, training, sworn certification, mailing, compensation, or quota requirements. § 2-2-142(f). And, each violation of the section “constitutes a separate offense.” *Id.* Under Tennessee’s criminal statutes, a Class A misdemeanor is the most serious

misdemeanor punishable by up to 11 months and 29 days in jail and/or a \$2500 fine. Tenn. Ann. Code § 40-35-111(e)(1). These penalties are harsh and burdensome.

Voter registration drives are conducted, in many cases, by ordinary citizens, members of church groups, sorority and fraternity chapters, local NAACP chapters and other community groups, women’s groups, and veterans’ groups. As Senator Raumes Akbari notes in her op-ed in the *Tennessean*, the bill would endanger bi-partisan voter registration initiatives and dissuade businesses that partner with local nonprofits from conducting drives.⁴ These nonprofit and for-profit organizations serve a diverse range of voters across the state. The potential of being subjected to criminal penalties would dissuade these groups from organizing voter registration drives. As a consequence, large swaths of eligible voters who would not have otherwise registered to vote would be disenfranchised.

6. The term “deficient” voter registration applications is overbroad and ambiguous and, as applied, would place substantial burdens on groups to verify that information supplied by every would-be voter is accurate or face hefty fines for incomplete/inaccurate registrations

The proposed bill subjects any person or organization that submits more than 100 “deficient” voter registrations to harsh civil penalties ranging from \$150 to \$10,000 in each county where the violation occurred. § 2-2-143(a)–(c). Voter registration applications are considered “deficient” where any application lacks information on the permanent registration record form as outlined in Tenn. Ann. Code § 2-2-116. The meaning of “deficient” is ambiguous and the circumstances under which voter registration groups will face fines are unclear.

The proposed bill indicates that a “deficient” voter registration application is one that is “lacking” in certain information. The bill is unclear whether “lacking” means incomplete or inaccurate or both. Multiple news outlets and groups have raised the same concerns regarding its ambiguity and what conduct the bill seeks to subject to penalty. A *Tennessean* article indicates that Secretary Hargett’s office, which was behind the initial proposed bill, may be interested in cracking down on registrations that contain “incorrect, false or incomplete information.”⁵

If the proposed bill intends to penalize registrations that are inaccurate, this would require third party registration groups to verify that all the information submitted by the registrant was accurate in order to avoid the harsh civil penalties. Thus, groups would shoulder the burden of not only verifying accuracy but also facing fines for mistakes that are not their fault. According to an NPR news segment, the overall impact of this provision would be to deter organizations from organizing voter registration drives.⁶

Even if the proposed bill punishes only “incomplete” applications, the language on its face, is unclear as to the meaning of “incomplete.” For example, would omitting a middle name be incomplete? Would an accidental omission of a conviction be incomplete? And, should the voter

⁴ Sen. Raumes Akbari, *Senate Should Pause Before Criminalizing Voter Registration*, *Tennessean* (Apr. 3, 2019, 1:01 PM), <https://www.tennessean.com/story/opinion/2019/04/03/senate-should-pause-before-criminalizing-voter-registration-opinion/3352716002/>.

⁵ Ebert, *supra* at note 1.

⁶ Martínez-Beltrán, *supra* at note 1.

registration group be fined for omissions of registrants? The bill leaves open more questions than it answers.

Furthermore, under Tennessee law, a qualified voter can correct a “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.” Tenn. Code Ann. § 2-2-109(a). If the person is otherwise eligible to vote, the administrator of elections “shall register the person to vote.” *Id.* As such, under the existing law, there is already a reasonable process in place to allow voters to cure any “deficiencies” in a timely filed registration form. The existing law does not give third-party registration groups legal authority to correct deficiencies on any forms after collecting them and before submitting them. Thus, third party registration groups and canvassers should not be held criminally responsible or fined for deficiencies on the forms that were caused by the applicant and that they have no ability to correct themselves.

Not only are the civil penalties harsh, the language around what conduct incurs penalties is ambiguous, overbroad, and provides far too much discretion to county and state election officials.

7. The assessment of civil penalties in the aggregate for third party registrations groups that submit “deficient” registrations to multiple counties is problematic for groups that have multiple independent local chapters

The proposed bill states that the “state election commission may combine deficient forms filed by a person or organization in multiple counties when determining the total number of deficient forms filed.” § 2-2-143(c)(2). Civil penalties may be assessed in “each county where the violation occurred.” § 2-2-143(c).

Voter registration drives are often led by large third party registration groups that have multiple local chapters that independently conduct voter registration drives in different counties. National sororities and fraternities have local chapters at universities that conduct large-scale voter registration drives. The NAACP has local chapters that engage in voter registration. The assessment of aggregate fines against a single group for potential violations in each county is burdensome to national chapters and groups that have less oversight on local branches. The proposed bill would suppress the decades-long work of these organizations.

8. Section 2-2-145, which imposes a criminal penalty on third-party registration groups and individuals for any “public communication” made about a voter’s registration status that does not contain a disclaimer that the communication is not in conjunction or authorized by the Secretary of State, is concerning and would harm the work of voter protection groups

Section 2-2-145 makes it a Class A misdemeanor for any organization or political committee to make “any public communication regarding voter registration status” when the communication fails to “display a disclaimer that such communication is not made in conjunction with or authorized by the Tennessee secretary of state.” § 2-2-145(a)(1). Public communication is defined as “communications made using newspapers or magazines, phone bank or text messages, electronic mail systems, or websites.” § 2-2-145(a)(2).

This section is concerning to third-party groups that run large-scale voter protection programs in the State training volunteers and paid staff to answer calls from voters. These calls may involve looking up voter registration status on the Secretary of State's website or calling county boards of election and then informing the voter of their status. Whether each communication made to a voter by a volunteer is a public communication and requires an accompanied disclosure is unclear.

Many organizations also share resources on their websites and provide them to volunteers on the ground. It is unclear whether a disclaimer must now appear alongside a group's general training materials covering a variety of issues including registration-lookup information.

The vagueness and overbreadth of this section violates the procedural due process clause of the Fourteenth Amendment and, if enacted, will have a chilling effect on First Amendment rights.

9. The Rudd Amendment exempting unpaid individuals and groups that use only unpaid volunteers to register voters from the bill's requirements does not mitigate the impacts of the bill

Last week, Representative Rudd proposed an amendment stating that § 2-2-142 and § 2-2-143 do not “apply to individuals who are not paid to conduct a voter registration drive or organizations that use only unpaid volunteers to conduct the voter registration drive.” Attachment B. While the amendment exempts individuals and groups from the bill's preregistration requirements (§ 2-2-142) and civil penalties (§ 2-2-143), it is not a cure because many nonprofit groups hire canvassing firms or canvassers themselves to do voter registration drives.

Many situations might come up in which nonprofit groups or volunteer individuals liberally interpret the exemption and are unfairly criminalized. For example, if a for-profit hospital partners with a nonprofit group to hire canvassers with the hospital's funds—then would the hospital be required to comply with the bill? Would the nonprofit group be exempt from its requirements because it is technically not paying its hires from its own funds? Would the paid hires be required to comply with the bill's requirements?

Another example where the amendment is likely not a cure may be a nonprofit organization that runs a blood drive with paid volunteers who are also registering voters on the side. The nonprofit organization makes it clear the volunteers are not paid for registering voters, but for their work running the blood drive. Would the nonprofit organization and its paid volunteers be exempt since their main goal is not to register voters but to run a blood drive? Also unclear from the language of the proposed amendment is what it means for a group to hire “only” unpaid volunteers. If a nonprofit group throws a pizza party and gives volunteer registrars free merchandise or movie tickets, does that count as payment? And who is exempt from the proposed bill—the nonprofit or the individuals receiving payment in the form of pizza and/or other gifts?

The Rudd amendment is not a cure to the proposed bill's chilling impact on third-party voter registration groups and volunteer canvassers. And, because the amendment's language is unclear, it can open up a variety of “as applied” challenges under the Equal Protection Clause and violate the procedural due process clause of the Fourteenth Amendment.

Conclusion

For the reasons above, we oppose HB1079/SB971 and urge you not to pass the bill or the proposed amendment.

Sincerely,

/s/ Marcia Johnson-Blanco, Co-Director
Ezra Rosenberg, Co-Director
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/s/ Pastor James Turner, President
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/s/ Clifton Harris, President/CEO
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Attachments:

- A. Senate Bill No. 971/ House Bill No. 1079 (Mar. 27, 2019).
- B. Proposed Amendment of Representative Tim Rudd (Apr. 3, 2019).
- C. Senate Bill No. 971/House Bill No. 1079 as passed by the House Committee (Apr. 3, 2019)

ATTACHMENT A

Amendment No. _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

Signature of Sponsor

AMEND Senate Bill No. 971*

House Bill No. 1079

by deleting all language after the enacting clause and substituting instead the following:

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

2-2-142.

(a) Supplemental voter registration drives that attempt to register one hundred (100) or more people to vote may be conducted by a person or organization that has not been designated by the county election commission under § 2-2-111, provided that the person or organization complies with the following conditions:

(1) Prior to conducting a voter registration drive, the person or agent of an organization shall:

(A) Provide the coordinator of elections with the name, address, and contact phone number of the person conducting the voter registration drive or the names, addresses, and contact phone numbers of the officers of the organization conducting the voter registration drive;

(B) Provide the names of the county or counties in which the voter registration drives will be held;

(C) Complete training, which is administered by the coordinator of elections, on the laws and procedures governing the voter registration process;

(D) File a sworn statement stating that the person or organization shall obey all state laws and procedures regarding the registration of voters;



(E) Ensure that individuals, whether volunteer or paid, who conduct voter registration drives for an organization have completed the training administered by the coordinator of elections;

(2) The person or organization shall deliver or mail completed voter registration forms within ten (10) days of the date of the voter registration drive; provided, that if the date of the voter registration drive is within ten (10) days of the voter registration deadline, the completed forms must be delivered or mailed no later than the voter registration deadline. Any voter registration forms that are mailed to the election commission office must be mailed in a manner that provides a tracking number for the voter registration form and allows the sender and/or election commission to track the mailer.

(b) Any person or organization conducting a voter registration drive is prohibited from copying, photographing, or in any way retaining the voter information and data collected on the voter registration application, unless the applicant consents. However, the social security number provided on the voter registration application is confidential and may not be retained by any person other than election officials in their official capacity.

(c) No person or organization may employ or compensate any person, nor may any person receive any wages or compensation for registering voters based on the number of voters registered. Nothing in this section prohibits a person from being paid on an hourly or salaried basis to register voters.

(d) No person or organization may establish quotas or a minimum number of completed voter registration forms to be collected by individuals conducting a voter registration drive.

(e) The coordinator of elections may adopt policies or procedures to effectuate the provisions of this section, including, but not limited to, a form on which the required information may be provided and certified by interested parties. The form adopted by

the coordinator of elections may be provided electronically and the training administered may be web-based.

(f) Any person who intentionally or knowingly violates any provision of this section commits a Class A misdemeanor and each violation constitutes a separate offense.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 2, is amended by adding the following as a new section to be appropriately designated:

2-2-143.

(a) If any person or organization conducts voter registration drives under § 2-2-113 and files one hundred (100) or more deficient voter registration applications with one or more county election commissions, the person or organization shall be subject to a civil penalty under the procedures of this section.

(b) For purposes of this section, a deficient voter registration application shall mean any application lacking the information required under § 2-2-116 to process the voter registration application, except for the voter's social security number.

(c) The state election commission may impose a civil penalty for a violation of this section as provided herein.

(1) The county election commission must file notice with the state election commission, along with a copy of each voter registration application deemed to be deficient and identifying information about the person or organization that filed the deficient applications.

(2) The state election commission shall review each voter registration application presented by the county election commission and shall make a finding on the number of deficient forms filed. Based on the finding, the state election commission may impose civil penalties for Class 1 and Class 2 offenses. The state election commission may combine the number of deficient forms filed by a person or organization in multiple counties when determining the total number of deficient forms filed.

(A) A Class 1 offense means the filing of one hundred (100) to five hundred (500) deficient voter registration applications. A Class 1 offense shall be punishable by a civil penalty of not more than one hundred fifty dollars (\$150) up to a maximum of two thousand dollars (\$2,000) in each county where the violation occurred.

(B) A Class 2 offense means the filing of more than five hundred (500) deficient voter registration applications. A Class 2 offense shall be punishable by a civil penalty of not more than ten thousand dollars (\$10,000) in each county where the violation occurred.

(3) For any offense, the state election commission shall send, by return receipt requested mail, an assessment letter to the person or organization in a form sufficient to advise the person or organization of the factual basis of the violation, the maximum penalty and the date a response to the letter must be filed. Failure to timely claim an assessment letter sent by return receipt requested shall constitute acceptance of the assessment letter.

(4) To request a waiver, reduction, or to in any way contest a penalty imposed by the state election commission, a person or organization shall file a petition with the state election commission. Such petition may be considered as a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Penalties imposed under this section by the state election commission shall be deposited into the general fund of the county or counties in which the violation occurred. When there are multiple counties involved, the penalty money shall be divided pro rata based on the number of deficient registration applications submitted in each county.

(e) The state election commission may promulgate rules and procedures to implement the provisions of this section.

SECTION 3. Tennessee Code Annotated, Section 2-7-104(a), is amended by deleting the sixth sentence and adding the following sentence immediately before the last sentence:

All appointed poll watchers must have reached the age of seventeen (17) by election day and be residents of Tennessee.

SECTION 4. Tennessee Code Annotated, Section 2-7-133(i), is amended by deleting the section in its entirety and substituting instead the following language:

(i) Any person attempting to be elected by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no earlier than the first day after the applicable qualifying deadline, but no later than twelve o'clock (12:00) noon, prevailing time, fifty (50) days before the general election. Such person shall only have votes counted in counties where such notice was completed and timely filed. Write-in votes shall not be counted for any statewide office. The notice shall be on a form prescribed by the coordinator of elections and shall not require signatures of any person other than the write-in candidate requesting ballots be counted. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (i), the county election commission shall promptly inform the state coordinator of elections, the registry of election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

SECTION 5. Tennessee Code Annotated, Section 2-7-133, is amended by deleting subsection (f) and redesignating the remaining subsections.

SECTION 6. Tennessee Code Annotated, Section 2-8-113(c), is amended by deleting the section in its entirety and substituting instead the following language:

(c) Any person trying to receive a party nomination by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no later than twelve o'clock (12:00) noon, prevailing time, fifty (50) days before the primary election. Such person shall only have votes counted in counties where such

notice was completed and timely filed. The notice shall be on a form prescribed by the coordinator of elections and shall not require signatures of any person other than the write-in candidate requesting ballots be counted. Write-in votes shall not be counted for any statewide office. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (c), the county election commission shall promptly inform the state coordinator of elections, the registry of election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

SECTION 7. Tennessee Code Annotated, Title 2, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

2-9-118.

(a) No agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall offer or attempt to offer anything of value to a state election commission member, county election commission member, the secretary of state, the coordinator of elections, or administrator of elections, an employee of the state election commission, county election commission, or the secretary of state, or to an immediate family member thereof.

(b) No agent of a voting systems vendor shall knowingly make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which the voting systems vendor is responsible to a state election commission member, county election commission member, the secretary of state, the coordinator of elections, administrator of elections, or an employee of the state election commission, county election commission, or the secretary of state.

(c) No state election commission member, county election commission member, secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an

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immediate family member thereof, shall solicit or accept anything of value in violation of subsection (a).

(d) No voting systems vendor shall make a loan of money to a state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof, or to anyone on such person's behalf.

(e) No state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof, shall solicit or accept a loan in violation of subsection (d).

(f) No agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall permit a state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof, to use the credit or credit card of the voting systems vendor.

(g) No agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall pay the lodging expenses of a state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof.

(h) No state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof, shall accept travel expenses, meals, or lodging paid by a voting systems vendor or agent of the voting systems vendor.

(i) No agent of a voting systems vendor or any person acting on behalf of a voting systems vendor may provide a gift, directly or indirectly, to a state election commission member, county election commission member, the secretary of state, coordinator of elections, administrator of elections, employee of the state election commission, county election commission, or the secretary of state, or an immediate family member thereof, unless such gift is a novelty, such as a pin, button, pen, or similar small item or token routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 19, is amended by adding the following as a new section to be appropriately designated:

2-19-145.

(a)

(1) Any public communication regarding voter registration status made by a political committee or organization must display a disclaimer that such communication is not made in conjunction with or authorized by the Tennessee secretary of state.

(2) As used in this section, "public communication" includes communications made using newspapers or magazines, mass mailings, phone bank or text messages, electronic mail systems, or websites.

(b)

(1) Any person or organization that establishes a website for voter registration purposes must display on such website a disclaimer that the voter registration is not made in conjunction with or authorized by the Tennessee secretary of state.

(2) Any person or organization that establishes a voter registration website and captures or collects the voter's information or data must disclose on the website the person or organization's name and the purpose for which the voter information is captured or collected.

(3) Voter registration includes any method by which a voter may attempt to register to vote or change information on an existing voter registration.

(c)

(1) Any person or organization that establishes a voter lookup website must display on such website a disclaimer that the voter lookup is not made in conjunction with or authorized by the Tennessee secretary of state.

(2) Any person or organization that establishes a voter lookup website and captures or collects the voter's information or data must disclose on the website the person or organization's name and the purpose for which the voter information is captured or collected.

(3) Voter lookup includes any method by which a voter may check the voter's registration status or polling location.

(d) The disclaimer must be clear and conspicuous and prominently placed. A disclaimer is not clear and conspicuous if it is difficult to read or hear, or if its placement can be easily overlooked.

(e) Any person who violates any provision of this section commits a Class A misdemeanor and each violation constitutes a separate offense.

(f) The provisions of this section do not apply to the county election commission websites.

SECTION 9. This act shall take effect upon becoming law, the public welfare requiring

it.

ATTACHMENT B

Amendment No. 2 to HB1079

Crawford
Signature of Sponsor

AMEND Senate Bill No. 971*

House Bill No. 1079

by adding the following as a new subsection in § 2-2-142 in Section 1:

() This section does not apply to individuals who are not paid to conduct a voter registration drive or organizations that use only unpaid volunteers to conduct the voter registration drive.

AND FURTHER AMEND by designating subsection (e) as subsection (f) and adding the following as a new subsection (e) in § 2-2-143 in Section 2:

(e) This section does not apply to individuals who are not paid to conduct a voter registration drive or organizations that use only unpaid volunteers to conduct the voter registration drive.

ATTACHMENT C

Amendment No. 1 to HB1079

Crawford
Signature of Sponsor

AMEND Senate Bill No. 971*

House Bill No. 1079

by deleting all language after the enacting clause and substituting instead the following:

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

2-2-142.

(a) Supplemental voter registration drives that attempt to register one hundred (100) or more people to vote may be conducted by a person or organization that has not been designated by the county election commission under § 2-2-111, provided that the person or organization complies with the following conditions:

(1) Prior to conducting a voter registration drive, the person or agent of an organization shall:

(A) Provide the coordinator of elections with the name, address, and contact phone number of the person conducting the voter registration drive or the names, addresses, and contact phone numbers of the officers of the organization conducting the voter registration drive;

(B) Provide the names of the county or counties in which the voter registration drives will be held;

(C) Complete training, which is administered by the coordinator of elections, on the laws and procedures governing the voter registration process;

(D) File a sworn statement stating that the person or organization shall obey all state laws and procedures regarding the registration of voters; and

Amendment No. 1 to HB1079

Crawford
Signature of Sponsor

AMEND Senate Bill No. 971*

House Bill No. 1079

(E) Ensure that individuals, whether volunteer or paid, who conduct voter registration drives for an organization have completed the training administered by the coordinator of elections; and

(2) The person or organization shall deliver or mail completed voter registration forms within ten (10) days of the date of the voter registration drive; provided, that if the date of the voter registration drive is within ten (10) days of the voter registration deadline, the completed forms must be delivered or mailed no later than the voter registration deadline. Any voter registration forms that are mailed to the election commission office must be mailed in a manner that provides a tracking number for the voter registration form and allows the sender or election commission to track the mailer.

(b) Any person or organization conducting a voter registration drive is prohibited from copying, photographing, or in any way retaining the voter information and data collected on the voter registration application, unless the applicant consents. However, the social security number provided on the voter registration application is confidential and must not be retained by any person other than election officials in their official capacity.

(c) No person or organization shall employ or compensate any person, nor shall any person receive any wages or compensation for registering voters based on the number of voters registered. Nothing in this section prohibits a person from being paid on an hourly or salaried basis to register voters.

(d) No person or organization shall establish quotas or a minimum number of completed voter registration forms to be collected by individuals conducting a voter registration drive.

(e) The coordinator of elections may adopt policies or procedures to effectuate the provisions of this section, including, but not limited to, a form on which the required information may be provided and certified by interested parties. The form adopted by the coordinator of elections may be provided electronically and the training administered may be web-based.

(f) Any person who intentionally or knowingly violates any provision of this section commits a Class A misdemeanor and each violation constitutes a separate offense.

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

2-2-143.

(a) If any person or organization conducts voter registration drives under § 2-2-142 and files one hundred (100) or more deficient voter registration applications with one (1) or more county election commissions, the person or organization is subject to a civil penalty under the procedures of this section.

(b) For purposes of this section, "deficient voter registration application" means any application lacking the information required under § 2-2-116 to process the voter registration application, except for the voter's social security number.

(c)

(1) The state election commission may impose a civil penalty for a violation of this section as provided in this subsection (c).

(2) The county election commission shall file notice with the state election commission, along with a copy of each voter registration application

deemed to be deficient and identifying information about the person or organization that filed the deficient applications.

(3) The state election commission shall review each voter registration application presented by the county election commission and shall make a finding on the number of deficient forms filed. Based on the finding, the state election commission may impose civil penalties for Class 1 and Class 2 offenses. The state election commission may combine the number of deficient forms filed by a person or organization in multiple counties when determining the total number of deficient forms filed.

(4) As used in this section:

(A) "Class 1 offense" means the filing of one hundred (100) to five hundred (500) deficient voter registration applications. A Class 1 offense is punishable by a civil penalty of one hundred fifty dollars (\$150), up to a maximum of two thousand dollars (\$2,000), in each county where the violation occurred; and

(B) "Class 2 offense" means the filing of more than five hundred (500) deficient voter registration applications. A Class 2 offense is punishable by a civil penalty of not more than ten thousand dollars (\$10,000) in each county where the violation occurred.

(5) For any offense, the state election commission shall send, by return mail, receipt requested, an assessment letter to the person or organization in a form sufficient to advise the person or organization of the factual basis of the violation, the maximum penalty and the date a response to the letter must be filed. Failure to timely claim an assessment letter sent by return mail, receipt requested, constitutes acceptance of the assessment letter.

(6) To request a waiver, reduction, or to in any way contest a penalty imposed by the state election commission, a person or organization shall file a

petition with the state election commission. Such petition may be considered as a contested case proceeding under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Penalties imposed under this section by the state election commission must be deposited into the general fund of the county or counties in which the violation occurred. When there are multiple counties involved, the penalty money must be divided pro rata based on the number of deficient registration applications submitted in each county.

(e) The state election commission may promulgate rules and procedures to implement the provisions of this section.

SECTION 3. Tennessee Code Annotated, Section 2-7-104(a), is amended by deleting the sixth sentence and adding the following sentence immediately before the last sentence:

All appointed poll watchers must have reached the age of seventeen (17) by election day and be residents of this state.

SECTION 4. Tennessee Code Annotated, Section 2-7-133(i), is amended by deleting the subsection and substituting instead the following language:

(i) A person attempting to be elected by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no earlier than the first day after the applicable qualifying deadline, but no later than twelve o'clock (12:00) noon, prevailing time, fifty (50) days before the general election. Such person must only have votes counted in counties where such notice was completed and timely filed. Write-in votes must not be counted for any statewide office. The notice must be on a form prescribed by the coordinator of elections and must not require signatures of any person other than the write-in candidate requesting ballots be counted. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (i), the county election commission shall promptly inform the state coordinator of elections, the registry of

election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

SECTION 5. Tennessee Code Annotated, Section 2-7-133, is amended by deleting subsection (f).

SECTION 6. Tennessee Code Annotated, Section 2-8-113(c), is amended by deleting the subsection and substituting instead the following language:

(c) Any person trying to receive a party nomination by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no later than twelve o'clock (12:00) noon, prevailing time, fifty (50) days before the primary election. Such person must only have votes counted in counties where such notice was completed and timely filed. The notice must be on a form prescribed by the coordinator of elections and must not require signatures of any person other than the write-in candidate requesting ballots be counted. Write-in votes must not be counted for any statewide office. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (c), the county election commission shall promptly inform the state coordinator of elections, the registry of election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

SECTION 7. Tennessee Code Annotated, Title 2, Chapter 9, is amended by adding the following as a new section to be appropriately designated:

2-9-118.

(a) An agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall not offer or attempt to offer anything of value to a state election commission member; county election commission member; the secretary of

state; the coordinator of elections; the administrator of elections; an employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons.

(b) An agent of a voting systems vendor shall not knowingly make or cause to be made any false statement or misrepresentation of the facts concerning any matter for which the voting systems vendor is responsible to a state election commission member; county election commission member; the secretary of state; the coordinator of elections; the administrator of elections; or an employee of the state election commission, the county election commission, or the secretary of state.

(c) A state election commission member; county election commission member; secretary of state; coordinator of elections; administrator of elections; employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons, shall not solicit or accept anything of value in violation of subsection (a).

(d) A voting systems vendor shall not make a loan of money to a state election commission member; a county election commission member; the secretary of state; the coordinator of elections; the administrator of elections; an employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons, or to any other person on such person's behalf.

(e) A state election commission member; county election commission member; the secretary of state; the coordinator of elections; the administrator of elections; an employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons, shall not solicit or accept a loan in violation of subsection (d).

(f) An agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall not permit a state election commission member; a county election commission member; the secretary of state; the coordinator of elections; the

administrator of elections; an employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons, to use the credit or a credit card of the voting systems vendor.

(g) An agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall not pay the lodging expenses of a state election commission member; a county election commission member; the secretary of state; the coordinator of elections; the administrator of elections; an employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons.

(h) A state election commission member; county election commission member; the secretary of state; coordinator of elections; administrator of elections; employee of the state election commission, the county election commission, or the secretary of state; or an immediate family member of such persons, shall not accept travel expenses, meals, or lodging paid by a voting systems vendor or agent of the voting systems vendor.

(i) An agent of a voting systems vendor or any person acting on behalf of a voting systems vendor shall not provide a gift, directly or indirectly, to a state election commission member; a county election commission member; the secretary of state; the coordinator of elections; the administrator of elections; an employee of the state election commission, county election commission, or the secretary of state; or an immediate family member of such persons, unless the gift is a novelty, such as a pin, button, pen, or similar small item or token routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business.

SECTION 8. Tennessee Code Annotated, Title 2, Chapter 19, is amended by adding the following as a new section to be appropriately designated:

2-19-145.

(a)

(1) A public communication regarding voter registration status made by a political committee or organization must display a disclaimer that such communication is not made in conjunction with or authorized by the secretary of state.

(2) As used in this subsection (a), "public communication" includes communications made using newspapers or magazines, mass mailings, phone bank or text messages, electronic mail systems, or websites.

(b)

(1) A person or organization that establishes a website for voter registration purposes must display on such website a disclaimer that the voter registration is not made in conjunction with or authorized by the secretary of state.

(2) A person or organization that establishes a voter registration website and captures or collects the voter's information or data must disclose on the website the person's or organization's name and the purpose for which the voter information is captured or collected.

(3) Voter registration includes any method by which a voter may attempt to register to vote or change information on an existing voter registration.

(c)

(1) A person or organization that establishes a voter lookup website must display on such website a disclaimer that the voter lookup is not made in conjunction with or authorized by the secretary of state.

(2) A person or organization that establishes a voter lookup website and captures or collects the voter's information or data must disclose on the website the person's or organization's name and the purpose for which the voter information is captured or collected.

(3) Voter lookup includes any method by which a voter may check the voter's registration status or polling location.

(d) The disclaimer must be clear and conspicuous and prominently placed. A disclaimer is not clear and conspicuous if it is difficult to read or hear, or if its placement can be easily overlooked.

(e) Any person who violates this section commits a Class A misdemeanor and each violation constitutes a separate offense.

(f) This section does not apply to a county election commission website.

SECTION 9. This act shall take effect October 1, 2019, the public welfare requiring it.