

**I-866-OUR-VOTE
(1-866-687-8683)****Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to obtain a voter registration form. The form can be downloaded from the Tennessee Department of State Division of Elections website at <http://www.state.tn.us/sos/election/forms/ss-3010.pdf>.

When a form is completed, it can be mailed to an individual's County Election Commission. A list of County Election Commissions may be found at http://tnsos.org/elections/election_commissions.php.

Individuals may also register in person at the following locations:

- County Clerk's Offices;
- County Election Commission Offices;
- Department of Health (WIC program);
- Department of Human Services;
- Department of Mental Health and Mental Retardation;
- Department of Safety (motor vehicles division);
- Department of Veteran's Affairs;
- Public Libraries; and
- Register of Deeds Offices.

2) Are there restrictions on registering to vote using a photocopied voter registration form?

Tennessee voter registration forms that have been printed off of the internet or photocopied will be accepted so long as the signature is original. The forms do not need to be in color. According to Elections Officials with the Tennessee Secretary of State:

- Either the National Voter Registration form or the Tennessee voter registration form is an accepted voter registration form. The National Voter Form may be found at <http://www.fec.gov/votregis/vr.htm> and the Tennessee Voter Registration form is available on the Tennessee Secretary of State Elections' website at <http://www.state.tn.us/sos/election/ss-3010.pdf>
- These forms may be copied from the internet for use and do not need to be in color. However, once the form is filled out by the individual and signed, that form must be turned into the election office. A copied completed form will not be accepted.

3) **Are there restrictions on the use of the National Voter Registration Form?**

The National Voter Registration Form can be used in Tennessee. Organizers of voter registration drives using the National Voter Registration Form are subject to the same requirements described in **Questions #12-15** below. If using the National Voter Registration Form in Tennessee, the political party affiliation and race/ethnicity fields may be left blank.

4) **Are there restrictions regarding the use of registration form information?**

Yes. According to state law, permanent registration records as public records (1) are kept in a safe place by the County Election Commission; (2) are available for public inspection; and (3) may not be removed from the office of the Commission except as required for the performance of duties under Title 2 of the Tennessee Code or in compliance with court orders.

A registrar must make a reasonable effort to redact a person's Social Security number from a record before the record is made available to any person other than the holder of the number. While Social Security numbers will be removed from public view, state or county officials may still use them for internal purposes.

In addition, state law provides a procedure for the purchase of voter registration lists by persons who certify that they wish to use such lists exclusively for political purposes.

- Tennessee **does require** the voter's social security number in order for the registration to be processed.
- Tennessee **does not require** the voter to declare a political party when registering to vote. That information should not be requested from the voter. The voter's political party will be requested only at a primary election at the polling place.

5) **Are there restrictions regarding pre-filling information on registration forms?**

According to Elections Officials with the Tennessee Secretary of State's office, pre-filling basic information is not prohibited under the Tennessee Code so long as the individual entering such information signs the registration card in the area labeled "Signature of Person Assisting" and also enters his or her own accurate address information. While pre-filling is permitted, the Tennessee Division of Elections advises against applicants using pre-filled registration forms. Any inconsistent information on registration forms, such as an incorrect county or zip code, may delay the registration process. See **Question #11** below for information on the rules regarding errors on registration forms.

COMPLETING VOTER REGISTRATION FORMS

6) **How long must you live in a county before you are eligible to register to vote?**

A person must have been a resident of the Tennessee county or city in which the person intends to register for a minimum of thirty (30) days prior to a primary or general election. In the event that a registered voter moves his or her residence from Tennessee after the thirtieth day before a *presidential election* and cannot register to vote in his or her new state's locality, the voter may continue to be a registered voter in the voting precinct in which he or she was previously registered. This exception only applies for presidential elections. Voters who find themselves in this situation may vote in person or by absentee ballot.

If a registered voter changes his or her address within the same Tennessee county, the voter should notify his or her local County Election Commission of the move in writing. Such information may be communicated as late as five (5) days before an election. If on the day of voting the address on the voter's permanent voter registration record differs from the voter's current address, then the voter must complete an affidavit before being allowed to vote. The voter must vote at his or her new polling place or at a central location designated by the County Election Commission office.

If, on the other hand, a registered voter changes his or her address from one county to another within Tennessee, he or she will be considered a new registrant and must apply using a new application. All deadlines for new applicants therefore apply, and such applicants must submit their information by hand or by mail no later than thirty (30) days before an election. If the registered voter's move occurs within ninety (90) days before an election, the voter may leave his or her registration in the county where previously registered for the upcoming election. If the move date is ninety-one (91) days or more before an election, then the voter must register in his or her new county or otherwise have his or her registration purged from the system.

Any citizen of the United States, who is or will be eighteen (18) years of age or older before the date of the next election and who is a resident of Tennessee, may register to vote unless disqualified under the law.

7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?

The Tennessee Code includes no explicit prohibitions on the use of a P.O. Box, college campus, or dorm address to vote. Each type of address, however, may prove problematic. Generally, residency is established by a fixed habitation and an intention to remain or, whenever the person is absent, a definite intention to return. A person can have only one residence for the purpose of registering to vote.

A County Election Commission will consider the following factors when determining where a person is a resident:

- Possession, acquisition, or surrender of inhabitable property;
- Location of occupation;
- Place of licensing or registration or personal property;
- Place of payment of taxes which are governed by residence;
- Purpose of the person's presence in a particular place; and
- Place of a person's licensing for activities such as driving.

A college student, therefore, may register at a college or dorm address if he or she considers such address to be a permanent residence. If the student filed taxes and obtained a driver's license using his or her college address, then registration from that address would likely be deemed appropriate. It is more likely, however, that a student would consider his or her parents' or guardians' address to be a permanent residence. In that case, a student should register using his or her permanent address and then request an absentee ballot to vote by mail. See **Question #20** below for information regarding absentee voting.

Additionally, commercial addresses may not be used as the location of an individual's residence unless the applicant provides evidence of residential use of such address.

8) If I enter or leave the state for work or school, can I register to vote?

Yes. Use of a college address is permissible provided that one considers his or her college address to be a legal residence. See **Question #7** above for a list of factors a County Election Commission will consider when determining an individual's residency. If a student treats his or her college address as simply a temporary residence, it is unlikely that he or she will be able to register from that location. A full-time student may, however, register using his or her permanent address and request an absentee ballot to vote by mail. See **Question #20** below for information regarding absentee voting.

9) Are there any identification requirements to register to vote?

No. Any individual who registers to vote in person or by mail must only present evidence of his or her signature or sign an Affidavit of Identity. Those that register by mail, however, will need to vote in person and present identification when voting for the first time. See **Question #10** below and <http://state.tn.us/sos/election/IDRequirementChart.pdf> for more information regarding identification requirements for first time voters who registered by mail.

10) Are there any identification requirements in order to vote?

A first-time voter who registered by mail must present identification in order to be eligible to vote. Any **one** of the following forms of identification will suffice:

- Current voter registration card;
- Current Tennessee driver's license; or
- Photo ID which includes the voter's name and signature.

In the event that a first-time voter who registered by mail has none of the above listed items, he or she may still vote if he or she presents one of the following:

- Current and valid photo ID of any kind, either government-issued or private, not containing a voter's signature;
- Current utility bill;
- Bank statement;
- Government check;
- Paycheck; or
- Any other government document that shows the voter's name and address;

AND either one of the following:

- Any document with the voter's name and signature (e.g. Social Security card or credit card); or
- An official Affidavit of Identity form provided by polling place officials.

11) What are the rules regarding missing or illegible information on registration forms?

According to state law, a mail registration form lacking a postmark, but signed and dated at least thirty (30) days before an election, will be timely filed if it is received by the County Election Commission no more than twenty-seven (27) days prior to the election.

If a person files a timely registration application that contains errors (the person forgot to enter their Social Security number, for example), then the administrator of elections will notify them of their error. If the voter comes to the County Election Commission office no later than five (5) days before the election and presents a rejection of registration notice to the administrator of elections, the administrator will register the person to vote if he or she is otherwise eligible to register.

The administrator also has the authority to update an existing registration until no later than five (5) days before an election to place it within the correct precinct in the county when a voter changes the voter's address within the same county.

12) Can a person whose name has changed since registering vote on Election Day?

It depends. If a person's name has changed since registering due to marriage, he or she may vote on Election Day under his or her old name. Those wishing to have their new, married name reflected on their registration form may request an update through their County Election Commission office.

However, when a person's name has changed for any other reason besides marriage, the registration will be purged from the record after ninety (90) days and he or she will no longer be able to vote on Election Day. Then, those changing their names for reasons besides marriage will need to update their registration information through their County Election Commission office to maintain their ability to vote.

REGISTERING OTHERS TO VOTE

13) What are the laws regarding third-party registration?

Tennessee places few restrictions on those who wish to hold registration drives or wish to assist others in the registration process. Registration drives may be performed by non-election officials, and there is currently no requirement to be certified or to contact the local County Election Commission prior to holding such a drive.

There are, however, several guidelines that those registering others in Tennessee should bear in mind:

- (1) One may not attempt to entice or coerce any individual into registering or voting.
- (2) Those registering others must see to it that each registrant completes their entire form accurately and honestly.
- (3) Individuals who have been convicted of a felony are not automatically disqualified, but they must indicate their conviction on their registration application by checking the appropriate box. The County Election Commission will contact such individuals upon receipt of their applications and make a final determination regarding their eligibility. Information regarding restoration of voting rights to previously disenfranchised felons can be found on the Division of Elections website at <http://state.tn.us/sos/election/restoration.htm>.
- (4) A voter does not need to present identification proving citizenship upon registering through a drive but must certify that he or she is a citizen by indicating so on the application.
- (5) Anyone holding a registration drive should have a copy of contact information for each County Election Commission so that all Tennesseans approached may register correctly. Information regarding these addresses can be found at http://tnsos.org/elections/election_commissions.php.
- (6) Finally, those running registration drives must take care to file completed forms with the appropriate County Election Commission prior to the registration deadline. Failure to do so is a violation of state law and is a **Class E Felony**. Therefore, to avoid criminal prosecution, an organizer

of a registration drive would be wise to submit completed registrations as soon as possible. The completed forms may be delivered by hand or by mail.

14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

No. There are no express provisions of the Tennessee Code prohibiting the submission of voter registration forms by individuals receiving compensation. Such individuals may, however, be subject to criminal prosecution if they do not turn in completed registration forms in a timely manner. See **Question #13** above. According to Election Officials with the Tennessee Secretary of State:

- A non-election official may mail or deliver in person completed voter registration forms to the local county election office.
- Forms may be mailed together as long as they are all going to the same location, or a representative from your organization may take the forms to the appropriate county election office.

15) Is training required for voter registration drives?

No. There is no express training requirement under the Tennessee Code. The Division of Elections encourages, but does not require, those wishing to hold registration drives to contact their local County Election Commission prior to the registration drive.

16) Are volunteers or staff of voter registration drives required to be county or state residents?

No. Non-election officials or other organizations may conduct voter registration drives regardless of their residency, so long as they conform with other relevant rules.

REGISTRATION DEADLINES

17) What is the deadline to register to vote?

For the 2008 general election, the deadline to register is Monday, October 6, 2008. Tennessee requires voters to be properly registered no later than thirty (30) days before an election, or twenty-nine (29) days before an election when the thirtieth day before the election falls on a Sunday.

Moreover, the County Election Commission office will process any by-mail voter registration form that is **postmarked** at least thirty (30) days before an election.

18) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time. ?

Generally not. The registration deadline is thirty (30) days before a general election. All applications to vote must be submitted or postmarked no later than the thirtieth day before the date of the first election in which the individual intends to vote. Those applications without postmarks or with illegible postmarks are deemed to be timely received if received at least twenty-seven (27) days prior to the election.

- Tennessee law states “A person who knowingly possesses any official registration or election supplies, except as required or permitted by this title, commits a Class E felony.” This section

would apply if you held a drive and collected the forms and then did not return the forms to the proper election office. If you do not return the forms by the 30-day cut-off, the voter will not be able to vote in the election and you would be in violation of this statute.

- Therefore, forms should be submitted to the local election office immediately following the registration drive.

19) Is Election Day registration allowed?

Individuals who register to vote on Election Day will not be permitted to vote in that election. For the registration deadline see **Question #17** above.

20) Does state election law allow for early or absentee voting?

Yes. According to Tennessee law, there are two forms of absentee voting: (1) "Early Voting," which is absentee voting in person on a day earlier than the actual Election Day; and (2) "By-Mail Voting," which is absentee voting by mail.

Because early voting is permitted simply for the sake of convenience, a registered voter may participate without giving a reason at any time during the established early voting period.

To vote early, a voter must appear in person at either the County Election Commission office or at a satellite voting location opened by the County Election Commission. For each election, early voting begins twenty (20) days before the election and ends five (5) days before the election. Although early voting stations are closed on holidays, they will remain open on any Saturday that falls within the designated early voting period. For details regarding times and early voting locations, contact the local County Election Commission office.

To vote by mail, however, a registered voter must fall into one of the following categories:

- The voter will be outside the county of registration during the early voting period and all day on election day;
- The voter or the voter's spouse is enrolled as a full-time student in an accredited college or university outside the county of registration;
- The voter's licensed physician has filed a statement with the County Election Commission stating that, in the physician's judgment, the voter is medically unable to vote in person. The statement must be filed not less than five (5) days before the election and signed under the penalty of perjury;
- The voter resides in a licensed facility providing relatively permanent domiciliary care, other than a penal institution, outside the voter's county of residence;
- The voter will be unable to vote in person due to service as a juror for a federal or state court;
- The voter is sixty-five (65) years of age or older;
- The voter has a physical disability and an inaccessible polling place;
- The voter is hospitalized, ill, or physically disabled and because of such condition, cannot vote in person;
- The voter is a caretaker of a person who is hospitalized, ill, or disabled;
- The voter is a candidate for office in the election;
- The voter serves as an election day official or as a member or employee of the election commission;
- The voter's observance of a religious holiday prevents him or her from voting in person during the early voting period and on election day;
- The voter possesses a valid commercial driver license and certifies that he or she will be working outside the state or county of registration during the early voting period and all day on election day; or

- The voter is a member of the military or is an overseas citizen.

A registered voter who falls into one of the above categories may request an absentee ballot from their County Election Commission office no earlier than ninety (90) days and no later than seven (7) days before the election. To expedite the application process, the voter should include the following information in their request for an absentee ballot:

- The name of the registered voter;
- The address of the voter's residence;
- The voter's Social Security number;
- The address to mail the ballot outside the county (if applicable);
- The election the voter wishes to participate in;
- The reason the voter wishes to vote absentee; and
- The voter's signature.

To be counted, the absentee ballot must be received by the County Election Commission no later than the close of the polls on Election Day. Once the commission issues an absentee by-mail ballot to a voter, the voter can *only* vote by mail.

- According to Election Officials with the Tennessee Secretary of State, **Voters who register at a voter registration drive are registering by mail and the voter MUST vote in person the first time.**

VOTER REGISTRATION LEGISLATION

21) Is there any pending legislation that affects voter registration? If so, where is it in the legislative process?

There are several pieces of proposed legislation that could affect voter registration. A number of legislators have put forth proposals to require proof of citizenship status and presentation of photographic identification in order to register and vote. See, for example, Tennessee House Bill 670 and Senate Bill 512. While no such bill has yet become law, those seeking to register as the registration deadline approaches should pay particularly close attention to the progression of such legislation.

The remaining pending legislation is generally more technical and may be less relevant to individuals seeking to register and vote. House Bill 17, currently in subcommittee, proposes to permit any registered Tennessee voter to vote absentee. House Bill 21 and Senate Bill 15 both seek to allow those who will be eighteen (18) years of age by the general election to vote in the related primary election. Both bills remain in committee.

House Bills 754 and 1768 are aimed at modifying provisions in Tennessee Code Title 2, Chapter 2 pertaining to residency. House Bill 754 seeks to create a presumption that a move within the same county is a change of residence for election purposes, while House Bill 1768 seeks to establish the presumption that a person has changed residence if they have left and remained absent from home and stayed primarily in another country, state, or place within the state for a period exceeding two years. Neither bill has yet to come up for a vote in the House.

House Bill 3440, currently in subcommittee, would allow voters to transfer registration by facsimile or email with an attached document that includes a scanned signature; it would also allow voters to submit an application to vote absentee by email with an attached document that includes a scanned signature.

A number of House bills, none of which have come up for a vote, would authorize same day voter registration.

Two pieces of legislation in the Senate seek to regulate election coordinators and officials. Senate Bill 2893, which was transmitted to the Governor for action as of May 27, 2008, requires the coordinator of elections to create minimum standards for educating election officials. Those seeking to coordinate registration drives should follow such legislation to determine whether it creates additional requirements for them.

Senate Bill 673, which remains in subcommittee, would prohibit an official from registering to vote those individuals known to be ineligible to vote. This proposed legislation also prohibits an official from delegating their duties to unauthorized individuals.

Additionally, there are a number of proposed pieces of legislation and constitutional amendments regarding campaigns and elections generally. For up-to-date information regarding all proposed legislation in Tennessee, please visit the Tennessee General Assembly website at <http://www.legislature.state.tn.us/>.

22) What applicable statutes are possibly affected?

Statutes that may be affected by voter registration legislation include sections under Title 2 of the Tennessee Code Annotated, including:

- T.C.A. § 2-1 on general provisions;
- T.C.A. § 2-2 on voter registration;
- T.C.A. § 2-6 on absentee voting;
- T.C.A. § 2-15 on presidential elections; and
- T.C.A. § 2-19 on prohibited practices.

23) Are there any helpful elections official contacts?

For more information, contact the Tennessee Department of State Division of Elections at:

Division of Elections
312 Eighth Avenue, North
9th Floor, Snodgrass Tower
Nashville, TN 37243
Email: tennessee.elections@state.tn.us
Phone: (615) 741-7956

24) What web resources are available?

The Tennessee Department of State Division of Elections has a website dedicated to providing information on the voter registration process and elections generally:

<http://www.state.tn.us/sos/election/index.htm>

The National Campaign for Fair Elections is another resource:

<http://www.nationalcampaignforfairelections.org/pages/tennessee>