

# TENNESSEE

## PROGRAM

The Election Protection program in Tennessee focused its field efforts in Nashville and Davidson County in 2012, and reached thousands of voters across the state through the Election Protection Hotline. Led by a phenomenal local leadership team, Election Protection efforts attracted interest from hundreds of legal and grassroots volunteers eager to serve as poll monitors both inside and outside the polls during early voting and on Election Day.

Tennessee's main problems building up to and culminating on Election Day included invalidating several types of voter identification that Tennesseans had relied on for years, the disenfranchisement of voters with felony convictions, undertrained poll workers, voting machine malfunctions, and long lines.

## BEFORE ELECTION DAY

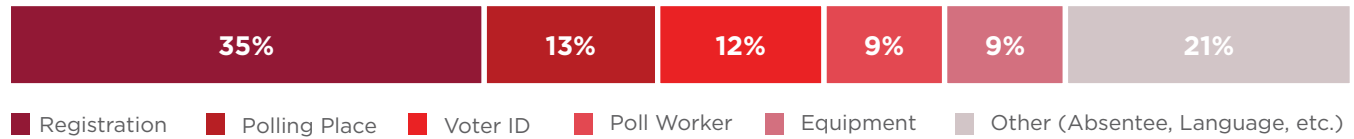
### *Tennessee's New Photo Identification Law*

Tennessee's Election Protection program was dominated by concern over the state's newly-implemented voter identification law. The law, passed in 2011, limited the types of voter identification that voters could use to prove their identity to only state or federal government-issued photo identification. For the weeks and months before the November election, the Election Protection Hotline took calls from voters across the state with questions about what type of identification they needed when they went to the polls.

Although several opponents of the law challenged it in Tennessee state court, the courts remained largely unsympathetic that the law would make it harder for eligible citizens to vote, and implementation proceeded. Among those parties challenging the statute was the City of Memphis, which made the case that the law would disenfranchise its citizens. Memphis then began issuing library cards with photographs on them in an effort to provide citizens with proper photo ID. The state countered that such identification could not be used to vote since they were not issued by the state or federal government.

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## 2012 VOTING PROBLEMS IN TENNESSEE



In late October, a Tennessee appeals court upheld the identification law as constitutional, but also ruled that the library cards could be used to satisfy the identification requirement on the grounds that state law construes municipalities like Memphis as agents of the state. In response to this victory, many Memphis voters went to the polls during early voting to cast ballots using their library cards as identification; however, Secretary of State Tre Hargett directed Shelby County election officials not to accept the library cards while the case was pending appeal to the Tennessee Supreme Court.

As a result, voters who immediately went to the polls and presented their library cards – including a Tennessee state judge in Memphis – were told that they would have to cast a provisional ballot, which under the law would not be counted unless they could produce another form of acceptable identification before November 8. On November 1, the Tennessee Supreme Court weighed in, allowing Hargett’s appeal, but declining to block the use of library cards, stating that the “right to vote has profound constitutional significance.” In response, Election Protection sponsored automated telephone calls to targeted groups in Shelby County to get out the word that voters could use their Memphis library card.

Although the Memphis library card dispute ended with a victory for voting rights advocates, confusion and problems continued on Election Day surrounding voter identification. In several cases, voters reported poll workers requiring them to show both photo identification and their voter registration card, though the identification alone should have been acceptable for the majority of voters.

### *Felony Disenfranchisement*

Tennessee’s law that allows persons with past felony convictions to restore their voting rights is complicated, and it led to confusion among voters who wished to have their rights restored, but were unsure whether they were eligible and whether they had satisfied all of the necessary prerequisites.

The restoration law also created problems for voters without a felony conviction. In Nashville, a voter called to report that while she was voting, several men were turned away because

they had unpaid child support or other debts with the county. In these cases, poll workers were confused by the requirement that a voter with a felony conviction must not have any such outstanding debts and improperly enforced the law against voters with no felony conviction on their record.

### *Poll Worker Training*

A lack of adequate poll worker training is a perennial concern. In Nashville, local election officials had been instructing poll workers that a voter could be challenged on the basis of citizenship, which is correct under state law; however, the training material and accompanying instruction indicated that lack of English proficiency could indicate a lack of citizenship and therefore grounds to challenge a voter – an inaccurate and unlawful generalization. In response, Election Protection Coalition members worked with local volunteers to draw attention to this and other issues and pressure the county to improve its poll worker training. The county remained intractable, however, requiring Election Protection volunteers to be particularly vigilant on Election Day.

## **ELECTION DAY**

### *Voting Machine Breakdowns and Long Lines*

Widespread problems with voting machines breaking down caused major problems during early voting and on Election Day. In Chattanooga, there were reports of machines breaking at multiple locations, including repeated problems at St. Elmo Recreation Center and Ridgedale Church, which created lines two to three hours long and spurred many voters to leave. At Concord Baptist Church in Chattanooga, a voter reported being told to leave her ballot on the side of the machine when a scanner stopped working. Poll workers told her that they would scan it later and did not give her the option to stay to be sure her vote was counted.