

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

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(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.