



## TENNESSEE BILL TARGETING VOTER-REGISTRATION DRIVES *Myth v. Reality*

*A bill that would criminalize some voter-registration drives and make Tennessee the first state in the nation to subject individuals and organizations to penalties for submitting imperfect voter-registration forms is moving quickly through the Tennessee General Assembly.*

**MYTH:** This bill's volunteer exception protects well-intentioned nonprofit organizations like the League of Women Voters and the Girl Scouts.

**REALITY:** This exception is so narrow that almost every organization will still be subject to its penalties and its requirements.

- The Coordinator of Elections clarified during his testimony before the Senate State & Local Committee that this bill applies to any organization that receives a grant to do voter registration or pays any of its employees to do so - even if it's only part of their job and even if volunteers are the ones to actually register voters.

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**MYTH:** This bill holds the "voter activist groups" that are its targets to the same standards everyone else is already meeting.

**REALITY:** "Voter activist groups" are more correctly referred to as "Tennesseans committed to registering their friends and neighbors." And this bill would hold them to a standard far higher than the national average.

- According to the Election Assistance Commission, 10.3% of total registrations received across the country were not accepted as valid in 2016. In 2012, that rate was 13.9%.
- Proponents of this bill have cited one organization that submitted roughly 24,000 applications in Shelby County. The bill's penalties apply to any organization that submits 100 or more deficient applications. So to avoid penalties, this group would be held to an error rate of 0.42% - a standard nearly 25 times stricter than the most recent national average.

- Some Tennessee election officials recognize the importance of—and respect due to—groups that conduct voter-registration drives. The Putnam County Election Office, for instance, called conducting a drive “as worthy a cause as a citizen can undertake.”<sup>1</sup>
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**MYTH:** This bill is necessary to preserve election integrity.

**REALITY:** Tennessee law already has criminal laws that protect voters and prohibit voter-registration fraud.

- It is already a felony for someone to knowingly make or consent to any false entry on any official voter-registration document.<sup>2</sup>
  - It’s also a crime to knowingly do any act for the purpose of preventing the exercise of someone’s rights – such as the right to participate in an election – under Tennessee election law.<sup>3</sup>
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**MYTH:** To avoid penalties, an organization that collects deficient forms can just throw them away, rather than turning them in.

**REALITY:** Tennessee law prohibits organizations from throwing away semi-complete voter-registration forms – as it should.

- In Tennessee, anyone who prevents the exercise of someone’s rights under Tennessee election law commits a Class A misdemeanor under § 2-19-103. That—along with advice from Tennessee election officials asked directly about this issue—is why organizations that turned in semi-complete forms in November 2018 didn’t just throw them away.
- Imagine what would happen if organizations were allowed to throw away some of the forms they collected: What would stop an ill-intentioned organization from throwing away the forms of someone wearing the wrong hat—or with the wrong color skin? How many people would arrive at the polls believing they were registered to vote and then need to vote a provisional ballot?

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<sup>1</sup> Putnam County Election Office, *Guide for Voter Registration Drives* (2018), available at [https://putnamcountyttn.gov/sites/default/files/downloadable/2018%20Guide%20for%20Voter%20Registration%20Drives%20Putnam\\_0.pdf](https://putnamcountyttn.gov/sites/default/files/downloadable/2018%20Guide%20for%20Voter%20Registration%20Drives%20Putnam_0.pdf).

<sup>2</sup> See Tenn. Code Ann. § 2-19-109.

<sup>3</sup> See Tenn. Code Ann. § 2-19-103.

**MYTH:** This bill has been carefully drafted to preserve the election process and thoughtfully considered by the General Assembly.

**REALITY:** The process behind the drafting and passage of this bill has been exactly what its sponsors accuse “voter activist groups” of being: sloppy and rushed.

- This bill creates a grab bag of new duties for state and local election offices, yet its fiscal note is listed as “not significant.”
- Among the new duties are requirements at the state and/or local levels to develop, implement and monitor, among other things, (1) new trainings; (2) a new registration process for organizations conducting drives; (3) a new process to ensure that forms received in the mail from these organizations have the appropriate tracking number; and (4) a new process for reporting organizations that fail to meet these requirements and then applying and, if necessary, adjudicating possible penalties.
- Hearing testimony revealed that many questions remain about this bill’s new penalties and requirements. For example: What constitutes a voter registration drive? What makes a voter registration form deficient? Will the required training be available on demand, or will voter registration efforts be hampered while volunteers wait to be trained?

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**MYTH:** If they want to avoid this bill’s penalties and requirements, organizations should direct would-be voters to the state’s online voter registration system.

**REALITY:** While the state’s online voter registration system is a step in the right direction, it’s not open to everyone.

- Don’t have a Tennessee driver license (but still have another form of ID that will allow you to vote on Election Day)? You can’t use online voter registration.
- Want to absentee vote in your first election? You can’t use online voter registration.
- Happen to be one of the 286,000 Tennesseans who live in an area with no wired internet providers? You can’t use online voter registration.