

PUBLIC CHAPTER NO. 636

SENATE BILL NO. 2681

By Ketron, Gresham, Black, Southerland, Norris, Overbey, Faulk, Johnson, Barnes, Herron, Burks, Finney, Crowe

Substituted for: House Bill No. 2799

By McCormick, Windle, Naifeh, Halford, Bone, Camper, Jim Cobb, Curtiss, Fitzhugh, Fraley, Ford, Curtis Johnson, Lollar, Lundberg, Matheny, Sargent, Shepard, Shipley, Stewart, Yokley, Campfield, Carr, Lynn, Tindell, Watson, Moore, Evans, Floyd, Eldridge, Hawk, Haynes, Odom, Williams, Kevin Brooks, Dunn, Rich, Hensley, Dennis, Coley, Harry Brooks, Faulkner, Brown, Bass, Harmon, Armstrong, Maggart, Casada, Fincher, Bell, White, Montgomery, Litz, Harrison, Marsh, Phillip Johnson, Hill, Barker, Towns, McDonald, Sontany, Ferguson, Pitts, Shaw, Todd, Roach, Hardaway, Maddox, McManus, Ty Cobb, Coleman, Miller, Richardson, Weaver, Pruitt, Lois DeBerry, Gilmore, Cooper, Dean, Niceley, McDaniel, Mike Turner, Hackworth

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 6, relative to voting by military and overseas citizens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-6-301(a), is amended by deleting such subsection in its entirety and by substituting instead the following:

(a) In all counties, the attesting official shall update the voter's computerized voter history by making the appropriate data entry. Upon issuance of an absentee ballot, the voter may not thereafter vote in the election except by absentee ballot; provided, however, that if the ballot is issued pursuant to § 2-6-502 this subsection does not apply.

SECTION 2. Tennessee Code Annotated, Section 2-6-502(b), is amended by adding the language "social security number," after the language "name," but before the word "date" in the first sentence.

SECTION 3. Tennessee Code Annotated, Section 2-6-502(b), is further amended by adding the following language after the period of the last sentence:

The social security number, date of birth, mailing address and electronic mailing address contained on such application shall be confidential and not subject to the open records law compiled in Title 10, Chapter 7.

SECTION 4. Tennessee Code Annotated, Section 2-6-502, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

Upon determining whether the applicant is entitled to register, vote, or both in the election, the administrator of elections shall proceed under the general provisions of this chapter for voting absentee by mail or under procedures determined by the coordinator of elections for electronically transmitting voting materials. In all counties, the attesting official shall update the voter's computerized voter history by making the appropriate data entry.

SECTION 5. Tennessee Code Annotated, Section 2-6-503, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Not later than forty-five (45) days before a federal election, as defined in § 2-1-104, the administrator of elections shall mail a ballot or electronically transfer a ballot to each member of the armed forces and each citizen temporarily outside the United States who is entitled to vote and who has submitted a valid application for a ballot. The ballot shall be mailed or electronically transferred in accordance with the preferred method of transmission designated by the applicant. If no preferred method is specified, the ballot shall be mailed. Nothing herein shall be construed to permit the transfer of a ballot by use of a fax machine or to permit a ballot which has been voted by an applicant to be electronically received by the election commission. The coordinator of elections is authorized to develop rules and procedures to ensure full compliance with federal law. The mailed ballot or the electronically transferred ballot shall be in one of the following forms:

(1) An official absentee ballot that complies with the requirements of Chapter 5, Part 2 of this title and this chapter; or

(2) A write-in ballot that is substantially identical to an absentee ballot described in subdivision (a)(1), except that no candidates' names shall be listed anywhere on the ballot. In addition to this write-in ballot, the administrator of elections shall include a complete list of all candidates who have qualified for the offices listed on the write-in ballot.

SECTION 6. Tennessee Code Annotated, Section 2-6-503, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) Compliance with the time requirements of subsection (a) is required for any federal election as defined by § 2-1-104. For any other election, if the coordinator of election determines the appropriate qualifying or filing deadline does not reasonably allow compliance, the administrator of elections shall mail or electronically transfer a ballot not later than thirty (30) days before the election.

(2) If the coordinator of elections determines an undue hardship exists for any federal election which prevents a county from complying with the time requirements of subsection (a), the coordinator of elections shall request a waiver as permitted under federal law.

SECTION 7. Tennessee Code Annotated, Section 2-6-503, is amended by adding the following language as a new subsection (c):

(c) If a vacancy occurs in the office of representatives in Congress, and the coordinator of elections determines an undue hardship exists and a timely waiver may not be granted, preventing an election commission from complying with the time requirements of § 2-6-503(a), the following shall apply:

(1) Notwithstanding the time established in § 2-16-101 for calling for a special election, within ten (10) days of the vacancy occurring, the governor shall, by writs of election, order a special election to fill the vacancy. The governor shall first determine whether the special election may be held in conjunction with an upcoming regular primary or general election as provided in § 2-14-102.

(2) If the special election cannot be held in such manner, the governor shall, by writ of election, set a date not less than seventy-five (75) nor more than eighty (80) days from the date of the writ for primary election for nominations by statewide political parties to fill the vacancy and shall, by the same writ of election, set a date of not less than one hundred thirty (130) nor more than one hundred thirty-five (135) days from the date of the writ for a general election to fill the vacancy. Candidates for the primary elections and independent candidates for the general election shall qualify as required in regular elections but shall file qualifying petitions no later than twelve o'clock (12:00) noon, prevailing time, on the eighth Tuesday before the day of the primary elections. A candidate's request to withdraw shall be filed no later than twelve o'clock (12:00) noon, prevailing time, on the third day after the qualifying deadline.

(3) Except where this section makes different provisions, Chapter 14 of this title shall govern elections required by this section. The state primary boards shall perform their duties under Chapter 8 of this title with respect to primaries held under this section as quickly as practicable and shall certify the nominees of their parties to the county election commissions no later than twelve o'clock (12:00) noon, prevailing time, on the fiftieth day before the day of the general election.

SECTION 8. This act shall take effect August 20, 2010, the public welfare requiring it.

PASSED: March 1, 2010



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of March 2010



PHIL BREDESEN, GOVERNOR