



PROTECTING THE VOTE FOR ALL AMERICANS

March 18, 2024

Hon. John Crawford, Chair
House Standing Committee on Local Government
540 Cordell Hull Bldg., Nashville, TN 37243

Dear Chair Crawford and Members of the Committee:

On behalf of the Fair Elections Center, a nonpartisan, nonprofit organization dedicated to removing barriers to registration and voting through advocacy and impact litigation, I'm writing to express our strong opposition to HB 1955, a bill that will likely curtail critical, patriotic activities at the heart of American democracy: efforts to encourage and assist fellow citizens in having their voices heard.

This bill imports to Tennessee several of the provisions of Florida's burdensome voter registration drive law, Fla. Stat. Sec. 97.0575. In addition to the issues with this proposed legislation that are discussed in detail below, **Tennessee's criminal laws already protect voters and prohibit voter registration fraud, making these new restrictions unnecessary.** For example, it is already a felony for someone to knowingly make or consent to any false entry on any official voter registration document.¹ It is also a crime to knowingly do any act for the purpose of preventing the exercise of someone's rights under Tennessee election law.² Tennessee law also already provides penalties for submitting applications after the statutory 15-day turnaround time, and for unlawful retention of personal information.³

Community organizations play a crucial role in expanding the electorate, empowering individuals to participate in the political process, and keeping voter rolls up to date by assisting people in registering to vote or updating their information if they have moved or changed their name. These organizations' activities, such as providing community-based voter registration opportunities, are particularly important for marginalized communities who often lack access to voter registration or information about the process. Importantly, Black registrants are nearly twice as likely to report registering through a community-based registration drive as opposed to white voters.⁴ This work takes place at schools and universities, religious services, transportation hubs, and community events across Tennessee and is undeniably vital for the health of democracy. Curtailing such efforts will certainly stifle democratic

¹ Tenn. Code Ann. § 2-19-109.

² Tenn. Code Ann. § 2-19-103.

³ See Tenn. Code Ann. 2-2-142 (e)-(g) (2020).

⁴ Method of Registration, By Selected Characteristics: November 2022, U.S. CENSUS BUREAU (Nov. 2022), available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html>.



participation in the state, which, as of 2022, had the fourteenth worst voter registration rate nationwide⁵ and the lowest voter turnout in a general election in nearly a decade during the 2022 midterms.⁶

Specifically, HB 1955 imposes risk on organizations for certain unintentional conduct, stymies responses to real-time staffing needs for community organizations holding voter registration assistance events, and could prevent voters with disabilities or elderly voters from receiving important assistance in completing voter registration forms.

I. HB 1955 imposes significant civil liability on organizations who even unintentionally or unknowingly fail to comply with certain prohibitions.

This bill prohibits organizations from allowing individuals with certain felony convictions to handle or collect voter registration applications from another person and permits the state election commission to assess fines of up to \$5,000 per violation. Importantly, there is no knowledge or intent requirement for organizations to be liable for violating this prohibition, meaning even unknowingly permitting a volunteer with a specified felony conviction to collect or handle voter registration applications, regardless of whether the person's rights were restored or the organization was even aware of the conviction, will expose organizations to significant civil liability. To mitigate this risk, community organizations will essentially be forced to conduct time-intensive and costly background checks on each individual volunteer before permitting them to help voters register. This will be a significant barrier to facilitating community-based voter registration activities, and the cost and resource burden it creates may result in many organizations suspending voter registration assistance activities altogether.

II. HB 1955 will inhibit the ability of community organizations to respond to urgent staffing needs for important voter registration-related events or programs.

Generally, community-based organizations that do voter registration activities, who are often non-profit entities with limited resources, rely significantly on volunteers to facilitate their work. Cancellations or non-appearances by volunteers can leave these organizations in need of last-minute volunteers to facilitate the events that they have invested time and resources to plan and market to the community. Flexibility in responding to real-time staffing needs can often be crucial to the success of efforts by these organizations to provide meaningful opportunities to Tennesseans to register to vote.

As discussed *supra*, to avoid significant civil liability, organizations will necessarily have to conduct costly and time-intensive criminal background checks before permitting anyone to assist with voter registration on their behalf. Should an organization find itself in need of volunteers shortly before scheduled events or programming, the group will likely be unable to fill those staffing needs given the strictures of this bill.

III. HB 1955 could inhibit assistance for voters who require help to fill out voter registration forms.

⁵ Number of Voters and Voter Registration as a Share of the Voter Population, KAISER FAMILY FOUNDATION (Nov. 2022), available at <https://www.kff.org/other/state-indicator/number-of-voters-and-voter-registration-in-thousands-as-a-share-of-the-voter-population/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

⁶ Erin McCullough, *Less than 40% of registered voters in Tennessee turned out for the 2022 midterms*, WKRN (Nov. 11, 2022), <https://www.wkrn.com/news/tennessee-politics/less-than-40-of-registered-voters-in-tennessee-turned-out-for-the-2022-midterms/>.

HB 1955, specifically subsection (g)(1), imposes civil penalties on a per-violation basis for providing a voter registration application to a prospective voter that has been filled in before being provided to the applicant. The risk of substantial civil fines could deter those concerned about liability from providing help to elderly people or disabled people who need physical help filling out registration forms in real time *with* the applicant's approval. For that reason, we suggest amending the bill to specify that the provision applies when the information has been filled in before it is provided to the applicant *without the applicant's consent*. This small addition would reduce confusion and fear of fines on the part of community groups seeking to help those who need physical assistance.

Additionally, website registration portals such as the NRA's triggerthevote.org allow applicants to enter their own information and receive a formatted registration form. While we believe the current new language in proposed subsection (g)(1) would not prohibit operation of such portals, for clarity and to prevent confusion, we suggest an amendment that explicitly states that subsection (g)(1) is not intended to prohibit use of such website portals. This is particularly relevant if our first suggestion above regarding applicant consent is not implemented.

We strongly urge the Committee to oppose HB 1955. Although we appreciate that the amended version passed by the Elections and Campaign Finance Subcommittee struck several of the most restrictive provisions of HB 1955, what remains is still a bill that will impede the necessary and important work of community-based organizations who assist their fellow Tennesseans—and often the most marginalized communities across the state—in registering to vote. This work not only ensures more democratic participation but makes our democracy more reflective of the people it serves. If you have any additional questions or need additional information, please contact me at the email address provided below.

Sincerely,

Patrick Williamson

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