



State of Tennessee

PUBLIC CHAPTER NO. 1004

SENATE BILL NO. 1935

By Kelsey, Ketrone, Bailey, Dickerson, Haile, Watson, Yager

Substituted for: House Bill No. 2025

By Farmer, Carter, Hardaway, Whitson, Littleton, Boyd, Williams

AN ACT to amend Tennessee Code Annotated, Title 2; Title 10, Chapter 7; Title 39 and Title 40, Chapter 38, relative to the safe at home address confidentiality program.

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

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 38, is amended by adding the following as a new part:

40-38-601. As used in this part:

(1) "Address confidentiality program" or "program" means the program created under this part to protect the confidentiality of the confidential address of a relocated victim of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense;

(2) "Administrator of elections" means the chief county election administrative officer appointed by the county election commission;

(3) "Application" means the form or forms submitted, in the manner prescribed by the secretary of state, by an individual requesting certification for the address confidentiality program;

(4) "Application assistant" means an employee or volunteer at an agency or organization that serves victims of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense, who has received training and certification from the secretary of state to help individuals complete applications to be program participants;

(5) "Confidential address" means the actual address of a program participant's residence, school, institution of higher education, business, or place of employment, as specified on an application to be a program participant or on a notice of change of address filed under this part;

(6) "Coordinator of elections" means the official appointed by the secretary of state in accordance with § 2-11-201 as the chief administrative election officer of the state and such official's designee or designees;

(7) "Domestic abuse" has the same meaning as defined in § 36-3-601;

(8) "Domestic abuse victim" has the same meaning as defined in § 36-3-601;

(9) "Fiduciary" has the same meaning as defined in § 34-1-101;

(10) "Governmental entity" means the state, a political subdivision of the state, or any department, agency, board, commission, or other instrumentality of the state or a political subdivision of the state;

(11) "Human trafficking" has the same meaning as used in § 39-13-314;

- (12) "Minor" has the same meaning as defined in § 34-1-101;
- (13) "Parent" includes biological and adoptive parents, as defined in § 36-1-102;
- (14) "Person with a disability" has the same meaning as defined in § 34-1-101;
- (15) "Process" means judicial process and all orders, demands, notices, or other papers required or permitted by law to be served on a program participant;
- (16) "Program participant" means a person who is certified by the secretary of state as a program participant;
- (17) "Secretary of state" or "secretary" means the secretary of state of Tennessee and any designee of the secretary;
- (18) "Sexual offender" has the same meaning as defined in § 40-39-202;
- (19) "Sexual offense" means a sexual offense or violent sexual offense as defined in § 40-39-202;
- (20) "Stalking" has the same meaning as defined in § 39-17-315; and
- (21) "Substitute address" means an address designated by the secretary of state under the address confidentiality program that is used instead of a confidential address as set forth by this part.

40-38-602.

(a) The secretary of state shall establish a crime victim address confidentiality program, which shall be open to a victim of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense who satisfies the requirements of this part, at no cost to the program participant.

(b) This program shall provide the participant with the use of a substitute address for the participant and the participant's minor children and shall not disclose the participant's name, confidential address, phone number, or any other information contained within the program participant's file except as otherwise provided by this part.

(c) Whenever a program participant is required by law to swear to or affirm the participant's address, the participant may use the participant's substitute address. Wherever a program participant is required by law to establish residency, the participant may present evidence of program participation and use the participant's substitute address. Where residency must be verified in order to establish eligibility for public benefits, the governmental entity requiring verification shall submit a written request to the secretary of state, on a form prescribed by the secretary of state, whereby the secretary of state shall provide the governmental entity with a statement as to whether the program participant, or the program participant's minor child, or a person with a disability on whose behalf the person is applying, is eligible for benefits, based on the information known to the secretary of state.

(d) The substitute address shall not be used:

(1) For purposes of listing, appraising, or assessing property taxes and collecting property taxes; or

(2) On any document related to real property recorded with a county clerk and recorder.

(e) Notwithstanding any other applicable law, the substitute address may be used for motor vehicle records and may be printed on a person's driver or photo identification license.

(f) Except as otherwise provided in this part, a program participant's confidential address, and any other information contained within a program participant's file, maintained by a state or local government agency, or disclosed by the secretary of state under this part, is not a public record. This subsection (f) shall not apply:

(1) To any public record created more than thirty (30) days prior to the date that the program participant applied to be certified in the program; or

(2) If a program participant voluntarily requests that a state or local government agency use the participant's confidential address or voluntarily gives the confidential address to the state or local government agency, except voter registration records and absentee ballot requests shall be confidential for purposes of this part.

(g) For any public record created within thirty (30) days prior to the date that a program participant applied to be certified in the program, a state or local governmental agency shall redact the confidential address from a public record or change the confidential address to the substitute address in the public record, if a program participant presents evidence of program certification and requests the agency that maintains the public record to use the substitute address instead of the confidential address on the public record.

(h) Except as provided in this part, where a program participant has provided evidence of program participation to a governmental entity, any record that includes a program participant's confidential address pursuant to this part shall be confidential and not available for inspection by anyone other than the program participant.

(i) Notwithstanding any other applicable law, documentation concerning any tool of designation or identification or internal processes implemented by a governmental entity in documenting program participation within the governmental entity's records shall be confidential and not available for inspection.

(j) An application or voter registration form completed under this part, along with any supporting materials, is not a public record that is subject to inspection and shall be kept confidential.

40-38-603.

A person who is required by law to be registered under any of the following is not eligible to participate in the address confidentiality program:

(1) Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004, compiled in chapter 39, part 2 of this part;

(2) Tennessee Animal Abuser Registration Act, compiled in chapter 39, part 1 of this part;

(3) Registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals, compiled in title 68, chapter 11, part 10; or

(4) Drug offender registry under § 39-17-436.

40-38-604.

(a) Except for a person described in § 40-38-603, an adult person, or a parent or fiduciary acting on behalf of a minor or person with a disability, may apply to the secretary of state with the assistance of an application assistant to have an address designated by the secretary of state serve as the person's substitute address, or the substitute address of the minor or person with a disability on whose behalf the application is filed, where the applicant, or the individual on whose behalf the application is filed, has either relocated to a new residence within the preceding thirty (30) calendar days or presently intends to relocate to a new residence within ninety (90) calendar days from the date of the application. The application shall be made on a form prescribed by the secretary of state and filed in the office of the secretary of state in the manner prescribed by the secretary of state.

(b) The application must contain all of the following:

(1) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant;

(2) The address or addresses of the applicant's residence, school, institution of higher education, business, or place of employment that the applicant requests not be disclosed for the reason that disclosure will increase the risk that the applicant, or the minor or person with a disability on whose

behalf the application is made, will be threatened or physically harmed by another person;

(3) Documentary evidence that, either:

(A) There exists an ongoing criminal case that may result or a criminal case that has resulted in a conviction by a judge or jury or by a defendant's guilty plea, in which the applicant, or the minor or person with a disability on whose behalf the application was filed, was a victim of domestic abuse, stalking, human trafficking, rape, sexual battery, or any other sexual offense; or

(B) A court of competent jurisdiction has granted an order of protection to the applicant, or the minor or person with a disability on whose behalf the application is made, and which is in effect at the time of application;

(4) In the absence of an ongoing criminal case that may result or has resulted in a conviction or an order of protection or an ex parte protection order granted by a court of competent jurisdiction within this state which is in effect at the time of application, a notarized statement by a licensed professional with knowledge of the circumstances, such as an attorney, social worker, or therapist, confirming that such individual believes that the applicant, or the minor or person with a disability on whose behalf the application is made, is in danger of further harm;

(5) A sworn statement by the applicant that disclosure of the confidential address or addresses would endanger the safety of the applicant or the minor or person with a disability on whose behalf the application is made;

(6)(A) Documentary evidence, in the form and manner prescribed by rule by the secretary of state, that the applicant, or the minor or person with a disability on whose behalf the application is made, has moved to a new residence unknown to the offender within the previous thirty (30) calendar days; or

(B) A sworn statement by the applicant that the applicant, or the minor or person with a disability on whose behalf the application is made, has the present intent to move to a new address unknown to the offender within the following ninety (90) calendar days. If the applicant does not move to a new address within the following ninety (90) calendar days or fails to provide documentary evidence of the new residence address to the secretary of state within this time frame, in the form and manner prescribed by rule by the secretary of state, the program participant's certification shall be cancelled;

(7) A voter registration form to be completed if the applicant is eligible to vote and wishes to register to vote or update a current voter registration;

(8) A sworn statement that the program participant understands all of the following:

(A) That during the time the program participant chooses to have a confidential voter registration record, the program participant may vote only by absentee ballot;

(B) That the program participant may provide a program participant identification number instead of the residence address on an application for an absentee ballot or on an absentee voter's ballot identification envelope statement of voter with the applicant's signature;

(C) That casting any ballot in person will reveal the program participant's precinct and residence address to precinct election officials and employees of the county election commission and may reveal the program participant's precinct or residence address to members of the public; and

(D) That if the program participant signs an election petition, the program participant's residence address will be made available to the public;

(9) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail;

(10) A knowing and voluntary release and waiver of all future claims against the state for any claim that may arise from participation in the address confidentiality program, except for a claim based on the performance or nonperformance of a public duty that was manifestly outside the scope of the officer's or employee's office or employment or in which the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner;

(11) The notarized signature of the applicant, the name and notarized signature of the application assistant who assisted the applicant, and the date on which the applicant and the application assistant signed the application; and

(12) If at the time of application, the applicant, or the minor or person with a disability on whose behalf the application is made, is subject to a court order or is involved in court action related to the dissolution of marriage proceedings, child support, or the allocation of parental responsibilities or parenting time, the name of the court, contact information for the court, and the case number associated with those proceedings.

(c) Upon receiving a properly completed application under subsection (a), the secretary of state shall:

(1) Certify the applicant, or the minor or person with a disability on whose behalf the application is filed, as a program participant and provide evidence of such certification to the program participant;

(2) Designate each eligible address listed in the application as a confidential address;

(3) Issue the program participant a unique substitute address;

(4) Issue the program participant a unique program participant identification number;

(5) Provide information to the program participant concerning the manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process;

(6) Provide information to the program participant concerning the process to vote as a program participant, if the program participant is eligible to vote; and

(7) Forward all first class mail, legal documents, and certified mail received by the secretary of state to the program participant.

40-38-605.

(a) A program participant shall notify the office of the secretary of state of any change in the participant's residence address and application information within thirty (30) days after any change has occurred by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. If registered to vote, the applicant shall also complete a change of address form for voter registration purposes.

(b) The certification of a program participant shall be valid for four (4) years after the date of the filing of the application for the program participant, unless the certification is withdrawn or invalidated before the end of that four-year period.

(c) A program participant who continues to be eligible to participate in the program may renew the program participant's certification by submitting a renewal

application to the secretary of state with the assistance of an application assistant. The renewal application shall be on a form prescribed by the secretary of state and shall contain all of the information described in § 40-38-604.

(d) When a program participant renews the program participant's certification, the program participant shall continue to use the program participant's original program participant identification number and substitute address.

40-38-606.

(a) A program participant may request that a governmental entity use the address designated by the secretary of state as the program participant's substitute address. Except as otherwise provided by this part, if the program participant requests that a governmental entity use the substitute address and provides evidence of certification as a program participant, the governmental entity shall accept the substitute address.

(b) If a program participant's employer, school, or institution of higher education is not a governmental entity, the program participant may request that the employer, school, or institution of higher education use the substitute address designated by the secretary of state as the program participant's address.

(c) The program participant may also request that private businesses and other non-governmental entities use the substitute address designated by the secretary of state as the program participant's address.

(d) Program participants shall not be required to provide their confidential address to any public school for purposes of enrollment for themselves or their minor children, but rather shall be permitted to provide the public school with evidence of certification as a program participant and the participant's substitute address. Where residency must be verified in order to enroll a student in a public school, the individual responsible for verifying eligibility for enrollment shall submit a written request to the secretary of state, on a form prescribed by the secretary of state, whereby the secretary of state shall provide that individual with a statement as to whether the program participant, or the program participant's minor child, is eligible for enrollment, based on the information known to the secretary of state.

(e) A program participant may be required to provide the program participant's residence address for purposes of obtaining utility services. Notwithstanding any contrary law, and except as otherwise provided by this part, if a program participant provides a utility service provider with evidence of certification as a program participant, the utility service provider shall treat the program participant's residence address and identifying information as confidential in accordance with the procedures established at § 10-7-504(15). In such instances, the program participant may also request that the utility service provider use the substitute address.

(f) Except as otherwise provided in this part, it shall be the responsibility of the program participant to provide the program participant's substitute mailing address to all governmental and private entities to ensure the confidentiality of the program participant's confidential address.

(g) A participant shall be registered as a voter of the precinct in which the person is a resident.

(h)(1) The office of the secretary of state shall place all first class mail, legal documents, and certified mail received by the secretary of state on behalf of a program participant into an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided to the secretary of state for that purpose within three (3) business days of receipt. The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in mailing a program participant's first class mail, legal documents, and certified mail under this section.

(2)(A) Upon receiving service of process on behalf of a program participant, the office of the secretary of state shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided to the secretary of state for that purpose. Service of process upon the office of the secretary of state on behalf of a program

participant shall constitute service upon the program participant under the Rules of Civil Procedure.

(B) The secretary of state may prescribe by rule the manner in which process may be served on the secretary of state as the agent of a program participant.

(C) Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

40-38-607.

(a) The coordinator of elections and the administrator of elections shall keep a program participant's voter registration record confidential.

(b) The form shall be stored in a secure manner and the coordinator of elections and administrator of elections shall have access to the form and to the residence address contained in the form.

(c) The coordinator of elections and administrator of elections shall record the program participant's program participant identification number in a separate voter registration database with the participant's name, residence address, and precinct. This list shall be confidential. Only the participant identification number shall be included in the statewide official voter registration list, which contains all active and inactive voters.

(d) The coordinator of elections and administrator of elections shall, as appropriate, direct that the program participant's name, address, and precinct information, as well as any other contact information, be removed from the program participant's voter registration record, voter registration databases, and the official registration list, as well as any pollbook, poll list, or signature pollbook in which it appears and from any publicly available registration list in which it appears.

(e) If the program participant is registered to vote in another state, the coordinator of elections or administrator of elections shall notify the appropriate authority in that state to cancel the program participant's voter registration.

(f) The coordinator of elections shall inform the program participant:

(1) That the program participant is being placed on the absentee list pursuant to § 40-38-602;

(2) That if the program participant wishes to vote in an election and keep their residence address confidential, the program participant shall cast an absentee ballot by mail;

(3) Of the procedure for the program participant to cast an absentee ballot;

(4) That appearing in person will reveal the program participant's precinct and residence address to precinct election officials and employees of the election commission and may reveal the program participant's precinct or residence address to members of the public; and

(5) That if the program participant appears in person, the individual must cast a provisional ballot.

(g) If the program participant submits an absentee ballot, such ballot shall be processed by the administrator of elections in order to ensure the highest level of confidentiality and protection of the voting process.

(h) All applicable voter registration and absentee deadlines shall apply. The coordinator of elections may establish procedures for the submission and processing of absentee ballots for such participants in accordance with this part and other applicable law.

(i) Program participants will be exempt from selection for state and municipal jury duty.

40-38-608.

(a) The secretary of state shall cancel the certification of a program participant if any of the following are true:

(1) The program participant's application contained one or more false statements;

(2) The program participant failed to relocate to a new address or failed to provide documentary evidence of the new residence address to the secretary of state, in the form and manner prescribed by the secretary of state, within ninety (90) days from the date of application as sworn on the application;

(3) The program participant obtains a name change, unless the program participant provides the secretary of state with documentation of a legal name change within ten (10) business days of the name change;

(4) The program participant's certification has expired and the program participant has not renewed the certification in accordance with § 40-38-605;

(5) The program participant is found by the secretary of state, after proper notice, to be unreachable for a period of sixty (60) days or more, as defined by rules promulgated by the secretary of state;

(6) The secretary of state becomes aware that circumstances have changed such that the participant no longer meets the criteria set forth under this part that would allow participation in the program; or

(7) The participant submits to the secretary of state a written, notarized request to cease being a program participant on a form prescribed by the secretary of state.

(b) The secretary of state shall send notice of certification cancellation to the program participant setting out the reasons for cancellation. The program participant has the right to appeal the cancellation and request, within thirty (30) days from the date of the notice of cancellation, a contested case hearing before an administrative law judge, in accordance with rules promulgated by the secretary of state and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) A program participant may request to withdraw the program participant's participation in the program by submitting a written, notarized request, on a form prescribed by the secretary of state that includes all of the following:

(1) The person's program participant identification number;

(2) A statement that the participant wishes to cease being a program participant;

(3) An acknowledgement that by withdrawing their participation, the person's address will no longer be kept confidential, the secretary of state will no longer accept or process mail received on the person's behalf, and the person's voter registration will no longer be kept confidential; and

(4) A statement that the administrator of elections will either:

(A) Treat the person's existing voter registration form in the same manner as other voter registration forms; or

(B) Purge the participant's voter registration.

(d) If an individual ceases to be a program participant, by reason of either cancellation or withdrawal, it shall be the responsibility of the individual to notify persons and entities that use the substitute address that the substitute address is no longer valid.

40-38-609.

(a) Except as otherwise provided by this part, the secretary of state shall not disclose the confidential address or any other information contained within a program

participant's file, other than the substitute address designated by the secretary of state, except under the following circumstances:

(1) If directed by a court order signed by a judge of a court of competent jurisdiction;

(2) Upon written request, on a form prepared by the secretary of state, by the chief law enforcement officer of a county or municipality, or an authorized representative of the Tennessee bureau of investigation, Tennessee highway patrol, or a federal law enforcement agency, if related to an ongoing official investigation; or

(3) Upon written request, on a form prepared by the secretary of state, by a director of a state or federal agency, if the secretary of state determines that there exists a bona fide legal or administrative requirement of the use of the program participant's confidential address such that the director is unable to fulfill legal duties and obligations without the confidential address.

(b) Upon written request by the director of a state or federal agency, the chief law enforcement officer of a county or municipality, or an authorized representative of the Tennessee bureau of investigation, Tennessee highway patrol, or a federal law enforcement agency who intends to request access to an individual's confidential address under this section, or any other information contained within a program participant's file, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any additional information concerning the program participant until such time as a written request for disclosure as described in this section is granted. Subject to subsections (d) and (e), a determination regarding such a written request shall be made by the secretary within three (3) business days following receipt of a completed request for disclosure.

(c) When making a request for the disclosure of the program participant's confidential address, or any other information contained within a program participant's file, whether before a court of law or by written request to the secretary of state, the party or parties requesting the disclosure must show by clear and convincing evidence that the disclosure of the confidential address or other records is necessary for a legitimate governmental purpose that cannot otherwise be accomplished and which outweighs the risk of harm to the program participant.

(d) Written requests for disclosure of the program participant's confidential address, or any other information contained within a program participant's file, shall be submitted to the office of the secretary of state, on a form prescribed by the secretary of state, for consideration by the secretary or the secretary's designee. Except for a request from a law enforcement agency under subdivision (a)(2), the secretary shall provide the program participant with notice of the requested disclosure and an opportunity to respond in writing to the request stating any objections to the disclosure. The secretary shall issue a determination in writing, which shall be provided to both the requesting party and the program participant, setting out the information that is to be disclosed and the reason for the disclosure.

(e) Any party may, within ten (10) business days of the date of the secretary's decision, appeal the secretary's decision by filing with the office of the secretary of state a written request for a contested case hearing before an administrative law judge under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, on a form prescribed by the secretary of state. The program participant, or the program participant's parent or fiduciary if applicable, shall have an opportunity to present evidence at the contested case hearing regarding the potential harm to the safety of the program participant if the program participant's confidential address, or any other information contained in the program participant's file, is disclosed. If no request for appeal is filed within ten (10) business days of the secretary's decision, then the secretary's decision shall be implemented according to its terms.

(f) Disclosure of a participant's confidential address, or any other information contained within a program participant's file, under this section shall be limited under the terms of the court's order or the secretary's determination to ensure that the disclosure and dissemination of the confidential address will be no greater than necessary for the specific purpose for which it was requested.

(g) Individuals granted access to the program participant's confidential information, whether by court order or by virtue of the individual's position as an

employee of a governmental entity, are prohibited from knowingly disclosing such information to unauthorized individuals, except as otherwise required by law.

(h) No person shall knowingly obtain a program participant's confidential address or telephone number from any governmental agency knowing that the person is not authorized to obtain the address information.

(i) Nothing in this section shall be construed as to prevent the secretary of state from granting a request for disclosure to a state or local government agency pursuant to this part upon receipt of a program participant's written and notarized consent to do so.

40-38-610.

(a) A person who falsely attests in an application that disclosure of the confidential address would endanger the safety of the applicant, or the minor or person with a disability on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application commits perjury.

(b) Any individual who knowingly discloses a program participant's confidential address, or any other confidential information belonging to a program participant, in violation of this part commits a Class A misdemeanor. Where the disclosure resulted in harm to the program participant, the resulting harm shall be considered an enhancement factor when determining any punishment imposed.

(c) Any individual who knowingly obtains a program participant's confidential address, or any other confidential information belonging to a program participant, in violation of this part, knowing that the individual is not authorized to obtain the information, commits a Class A misdemeanor. Where the disclosure resulted in harm to the program participant, the resulting harm shall be considered an enhancement factor when determining any punishment imposed.

40-38-611.

(a) The secretary of state shall establish a list of state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic abuse or a sexual offense to assist persons applying to be program participants.

(b) Notwithstanding any contrary law, a state, local, or nonprofit agency or application assistant that provides counseling, shelter, or any other services to a program participant shall not be required to disclose the confidential address or any other information concerning the program participant for any reason.

(c) The secretary of state is authorized to promulgate rules under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, pertaining to application assistants and shall provide training and certification as application assistants to representatives of state, local, and nonprofit agencies that provide counseling and shelter services to victims of domestic abuse or a sexual offense. The secretary of state may partner with nonprofit agencies, or other governmental agencies, to provide training or other services in connection with the program.

(d) Any assistance or counseling rendered to an applicant by the office of the secretary of state shall in no way be construed as legal advice.

40-38-612.

(a) Nothing in this part, including participation in the program created by this part, shall affect custody or visitation orders in effect prior to or during program participation.

(b) Program participation does not constitute evidence of domestic abuse, stalking, human trafficking, or any sexual offense and shall not be considered for purposes of making an order allocating parental responsibilities or parenting time, except that a court may consider practical measures to keep a program participant's confidential address confidential when making an order allocating parental responsibilities or parenting time.

40-38-613.

(a) No actionable duty or any right of action shall accrue against the state, a county, a municipality, an agency of the state or county or municipality, or an employee of the state or county or municipality in the event of negligent disclosure of a program participant's confidential address.

(b) In the event that the state, a county, a municipality, an agency of the state or county or municipality, or an employee of the state or county or municipality negligently or otherwise unlawfully discloses the program participant's confidential address, such entity must immediately upon learning of the disclosure notify the program participant of the disclosure and the full extent of the disclosure.

SECTION 2. Tennessee Code Annotated, Section 2-2-115(b), is amended by deleting subdivision (7) and substituting instead the following:

(7)(A) Each person who registers by mail shall appear in person to vote in the first election the person votes in after such registration becomes effective. Before voting at the appropriate polling place or election commission office, such person shall present satisfactory proof of identity.

(B) The requirement to appear in person to vote in the first election shall not apply to:

(i) A person who is on the permanent absentee voting register; or

(ii) A person who is in the address confidentiality program under title 40, chapter 38, part 6.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 6, Part 2, is amended by adding the following as a new section:

The following shall apply to registered voters who are participants in the address confidentiality program in accordance with title 40, chapter 38, part 6:

(1) Following certification as a program participant by the secretary of state, and without any further request, the administrator of elections shall send to each person participating in the address confidentiality program an application for an absentee ballot for each election in which the person may vote. A voter may submit an application to vote by mail, facsimile transmission, or email with an attached document that includes a scanned signature;

(2) The application shall contain the following information:

(A) The voter's address confidentiality program participant identification number;

(B) The election the voter wishes to participate in;

(C) A statement confirming that the voter's residence address on file with the address confidentiality program has not changed; and

(D) The voter's signature; and

(3) Without any further request, the administrator of elections shall compare the signature of the voter with the signature on the voter's registration record in whatever form. If the signatures are the same and if the required information is provided, the administrator shall mail the voter a ballot to the address the voter requested. If no address is requested then the absentee ballot shall be mailed to the substitute address listed with the secretary of state. If the signatures are not the same, the administrator shall reject the application or request. If the required information is not provided, the administrator shall send the voter by mail or facsimile an application for a ballot.

SECTION 4. The secretary of state is authorized to promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement the provisions of this act.

SECTION 5. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect March 1, 2019, the public welfare requiring it.

SENATE BILL NO. 1935

PASSED: April 23, 2018



RANDY McNALLY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2018



BILL HASLAM, GOVERNOR