



There is a Better Way to Improve Voter Registration Drives than Criminal Penalties

Marian Ott

President

League of Women Voters of Tennessee

president@lwvtn.org

The Tennessee General Assembly will soon consider legislation to regulate voter registration drives with civil and criminal penalties. This draconian approach will make Tennessee the only state to criminalize the submission of voter registration forms. But there is a much better approach.

Tennessee already has one of the lowest percentages of registered voters in the country. In the 2018 elections Tennessee ranked 45th in citizens voting. Any regulation of registration drives must be reasonable, proportional and workable in order to promote, rather than discourage, individuals and organizations from registering new voters.

State election officials emphasize that this bill (SB971/HB1079) is necessary for election integrity. They assert that it is in response to the 2018 election, when large numbers of deficient and inaccurate registration forms were submitted at the last minute in Shelby and a few other counties. However, the complaint is about the volume of forms to process, not that ineligible voters were put on the rolls. In other words, the current process worked.

Supporting election integrity and citizen access to the ballot has been a hallmark of the mission and work of the League of Women Voters for almost 100-years. While the League too had concerns about the 2018 events, this bill – which criminalizes and sanctions numerous registration drive activities – is the wrong way for Tennessee.

The League agrees that improvements in the procedures for voter registration drives are warranted. Potential voters are certainly not served by incomplete forms that do not duly register them.

Large scale voter registration drives are important, however, if Tennessee is going to improve its citizen participation in our democracy.

There are other options.

Best practices the League would encourage are:

- **Define a voter registration drive.** Even state officials testifying on the bill were unclear who the legislation would apply to. The definition should clarify the voter registration activities that would constitute a “drive,” including whether activities directed to members of one’s own organizations or the employees or customers of a business would be considered a voter registration drive.
- **Minimize Drive Registration Requirements.** Registration of drives should be a mechanism to facilitate communication and cooperation between the entities-- not to expose the organizations and individuals to severe penalties for not filing appropriate paperwork about

the drive and volunteers. In fact, the Secretary of State could currently ask organizers of voter registration drives to voluntarily register in order to foster collaboration.

- **Training, if mandated, should be readily available and accessible to all.** The proposed legislation includes criminal penalties for not taking the training but includes no parameters as to when, how, and how often the training must be made available to the public. Legislation is not required for the Secretary of State to begin providing training; most registration efforts would welcome such training without the coercion of penalties.
- **Prohibit drives from paying per registration** while allowing drives to have paid staff and to measure the productivity of the staff. Election officials assert that paying per form was the main culprit behind incomplete forms.
- **Clarify Enforcement Standards.** During the recent senate testimony, state election officials could not provide a crisp definition of a “deficient form” and when it would be appropriate for a voter registration drive canvasser to toss away an incomplete form. Many of the deficient forms submitted in 2018 were due to responsible citizens understanding that the law required that ALL forms be submitted, no matter how incomplete. No legislation is needed for the Secretary of State to clarify this issue for voter registration efforts.
- **Reduce unnecessary burdens by removing sworn statement requirement (promising to comply with state law)** - It is a redundant legal requirement that serves no purpose, discourages individuals from participating in drives, and exposes organizations to penalties for incomplete paperwork. The training component will ensure individuals know the law, the sworn statement does not.

Election Integrity should be important to all Tennesseans. League volunteers helped process the deluge of last-minute forms in Shelby County and know first-hand how frustrating it was. But this bill (SB971/HB1079), is critically flawed. It is based on an incomplete understanding that last year’s problems were likely exacerbated by a lack of available training and clarity as to what current law requires.

The proposed legislation subjects Tennesseans to harsh sanctions for conduct and activities that the language of the bill itself leaves vague and undefined. If enacted, it would put TN out of the mainstream and onto the map as the only state in the nation that subjects its citizens to potential criminal sanctions for registering other citizens to vote. Similar overly harsh restrictions on voter registration drives have been successfully challenged in court by the League of Women Voters and other civic groups.

The League strongly encourages that, at a minimum, the most draconian measures proposed in SB971/HB1079 -- severe criminal or civil penalties-- be removed from the bill. Better yet, the bill should not be passed, and attention redirected to developing best practices to support reasonable, clear and effective rules and guidelines for registration drives in Tennessee.

Looking forward to 2020, the League anticipates that both experienced and grassroot groups will be registering family members, friends, co-workers and employees, fellow church members, and neighbors. We ask our state officials to create the collaborative, rather than punitive, steps needed so that, together, we can make sure that all eligible Tennesseans have the opportunity to vote.

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