

Election Statute Navigator: Tennessee

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/tennessee/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day **§ 2-2-109**
 - Deadlines: Thirty days before an election.
- Online registration available **§ 2-2-112**
- Registration via mail available **§ 2-2-115**
- In-Person registration available **§ 2-2-201, § 2-2-202**
 - Locations: Department of Motor Vehicles, Public libraries, public high schools, offices of county clerks, and offices of county registers of deeds
- Preregistration allowed **§ 2-2-104**
 - Eighteen years of age on or before the date of the next election after the person applies to register and who is otherwise eligible to register.
- Residency requirement **§ 2-2-102**
 - See: **§ 2-2-122**
- Prior conviction eligibility **§ 2-2-139**
 - (1) The person has been pardoned of all infamous crimes and the person's full rights of citizenship, including the right of suffrage, have been restored;
 - (2) The person's full rights of citizenship have been restored as prescribed by law; or
 - (3) An appellate court of competent jurisdiction has entered a final judgment reversing the person's conviction, or convictions, of all infamous crimes.
- Voter list maintenance guidelines **§ 2-2-137**

State Absentee, Early, and Mail Voting

- Early voting allowed **§ 2-6-102**
 - 20 days before election until 5 days before election
- Listed excuses to vote absentee **§ 2-6-201**
- Online absentee ballot application available



- [See official Tennessee absentee registration website](#)
- Absentee ballot application is verified **§ 2-6-202**
- Permanent absentee voting options **§ 2-6-201**
 - Voters with permanent disabilities
- Absentee ballot verification details **§ 2-6-204**
 - The voter’s signature on the absentee ballot application and the absentee ballot envelope is compared with the signature in the registration record. If upon receipt of any absentee ballot the administrator determines that the ballot is not entitled to be cast under this title, the administrator shall mark the absentee ballot envelope “Rejected,” write the reason for the rejection on the envelope and sign it. Notice of the rejection shall immediately be given in writing to the voter.
- Deadline by which election official must receive absentee/mailed ballots **§ 2-6-304**
 - Election day (before polls close)
- Absentee/Mail ballot processing and counting procedures **§ 2-6-202, § 2-6-303, § 2-6-304**

In-Person Voter ID

- Photo ID requirements **§ 2-7-112(c)**
- Exceptions to Voter ID Requirements: **§ 2-7-112(f)**
 - A voter who is indigent and unable to obtain proof of identification without payment of a fee or who has a religious objection to being photographed shall be required to execute an affidavit of identity on a form provided by the county election commission and then shall be allowed to vote.
- Options for voters without ID: **§ 2-7-112(e)**
 - A person whose name appears on the computerized voter signature list or the electronic poll book and is unable to present valid evidence of identification shall be entitled to vote a provisional ballot

Provisional Voting

- Provisional ballot availability **§ 2-7-112**
 - If the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission



- If an election official asserts the individual is not registered to vote
- If a voter is unable to present evidence of identification
- Time allotted to determine the status of provisional ballot **§ 2-7-112**
 - The counting of all provisional ballots must be completed within four business days of the close of polls on Election Day.
- Provisional ballot rejection reasons: **§ 2-7-112**
 - The voter is not properly registered in that precinct
 - The voter already voted in a different precinct

Polling Place

- Polling Place availability and requirements **§ 2-7-111**
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 2-7-111**
- Rules governing poll observers **§ 2-7-103, § 2-7-104**
- Poll watcher qualifications **§ 2-7-104**
 - Must be 17 years old by Election Day and appointed by the party in writing; each candidate can have one and each party or citizens' organization can have two. The state also prohibits spouses of candidates from serving.
- Police presence **§ 2-7-103**
 - No police or other law enforcement officer may come nearer to the entrance to a polling place than ten feet (10') or enter the polling place except at the request of the officer of elections or the county election commission or to make an arrest or to vote.
- Photography restrictions **§ 2-7-142**

State Emergency Rules and How Elections are Affected

- County Election Commission has authority to set rules and procedures (after declaring "election emergency") **§ 2-3-101, § 2-6-302**
- Listed triggers for Emergency Rules **§ 2-3-110**
 - An occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, that results in a polling place being unavailable or unsuitable for voting. A natural threat includes disease, outbreaks, and epidemics.



Counting Rules

- Voting system requirements **§ 2-20-104**
- Counting procedures **§ 2-7-131**

Contest/Protest, Recount Rules

- Contest filing guidelines **§ 2-17-105**
- Challenging a voter **§ 2-7-123, § 1-7-124**
- Contest/Protest recount **§ 2-17-103**

