



## Legislative Alert

### Proof of Citizenship to Vote

### Oppose SB1999/HB1838

**What SB1999/HB1838 does:** SB1999, sponsored by Senator Norris, and HB1838, sponsored by Representative Todd, would require a person registering to vote to present to the registrar one form of identification that bears his or her name, address and photograph. The registrar would be required to reject the application to vote if no evidence of United States citizenship is provided with the application.

#### ACLU-TN opposes SB1999/HB1838 because:

- **Existing law already requires that voters be citizens of the United States and of Tennessee.** During registration applicants swear or affirm in writing that they are citizens. Those statements, if false, are felonies under both state and federal law. Whenever there is a legitimate question about a voter's qualifications, be it citizenship, residency, age, etc., Tennessee law provides a procedure, including due process protection, for challenging a voter.
- **Proof of citizenship requirements are equivalent to a poll tax.** SB1999/HB1838 would impose a document requirement that will cost voters money and would be similarly constitutionally defective. A United States passport costs \$97. Birth certificates usually cost \$10 to \$15, but vary by state of birth, as do the difficulties of getting a birth certificate.
- **Proof of citizenship by the documents will be impossible for some Tennessee citizens to acquire.** Tennessee's vital records only go back to 1914 according to the state vital records web site. Many Tennesseans born in the 1930s and 1940s were born at home or delivered by midwives and had no birth certificate issued. Additionally, even if these documents exist, people of color, people with disabilities, the elderly, young and low-income citizens are the least likely to actually have these documents. These are the people who will be without the required documents and who will have to pay out money in order to register to vote.
- **This legislation is a solution to a non-existent problem.** Voter registration by non-citizens is extremely rare. This bill is a solution in search of a problem, and in the search it will disenfranchise legitimate voters. As with the hunt for instances of voter impersonation, claims of non-citizens intentionally registering to vote and voting, when examined, have turned out to be virtually non-existent.
- **Rejecting applicants for lack of documentation violates the National Voter Registration Act.** Acceptance of the National Voter Registration Act form is mandatory. When Congress adopted the NVRA, it debated and rejected arguments that states could add processing requirements to the forms. Even non-documentary matters such as notarization requirements were rejected. The form has a citizenship box to check and a citizenship oath to sign. No more is permitted under the law.