

Tennessee Secretary of State

Tre Hargett



Elections Division
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-1102

Mark Goins
Coordinator of Elections

615-741-7956
Mark.Goins@tn.gov

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The Honorable Karen D. Camper
House Minority Leader
Tennessee House of Representatives
425 Rep. John Lewis Way
Suite 664
Nashville, TN 37243

Dear Leader Camper,

Secretary Hargett shared your letter with me and asked that I respond given my responsibilities as Coordinator of Elections.

State law is clear in T.C.A. 2-2-102(b)(1): non-U.S. citizens are not allowed to vote in Tennessee elections. In fact, it is a felony for a non-U.S. citizen to vote in Tennessee. We are legally verifying our voter rolls to ensure they are correct and current. Our office wants every eligible citizen to register to vote and vote in Tennessee elections. T.C.A. § 2-2-141 requires my office to compare the voter rolls with the Tennessee Department of Safety and Homeland Security (Department of Safety) database to ensure non-U.S. citizens are not registered to vote in this state.

The Department of Safety database contains an indicator for individuals identified as non-U.S. citizens. We compare the full Social Security numbers on file for these individuals in the Department of Safety database to the Social Security numbers on file in the voter registration database periodically to determine if any potential non-U.S. citizens have registered to vote.

It is important to note the information we have is a snapshot of the record when the person interacted with the Department of Safety, and the person could have been naturalized since that interaction but has not updated his or her record with the Department of Safety.

As we have in the past, we recently conducted a comparison with the Department of Safety. Based on the most recent comparison, my office sent letters to 14,375 individuals last week.

While the legal authority for the comparison primarily comes from T.C.A. § 2-2-141, the National Voter Registration Act (NVRA) limits the full enforcement of the statute because we are

within 90 days of a federal election. The NVRA does allow for the correction of voter registration records within that timeframe.

Accordingly, the letter asks those who receive it to correct the record either by removing themselves from the voter rolls or supplying naturalization documentation. The documentation being requested is the same as what is listed in T.C.A. § 2-2-141 and includes copies of a birth certificate, U.S. passport, naturalization documentation, or any other document or method of proof of citizenship authorized by federal law.

The responses from citizens wanting to correct their information with us have been overwhelmingly positive. By providing an opportunity to those whose eligibility is in question to correct any outdated information, our voter roll information will be up to date, and the votes of eligible Tennessee voters will be counted.

We are using the information received to update our records, and the documentation will be securely stored, as with any voter registration information. As a result, even if the individual's record is not updated with the Department of Safety, our database will reflect his or her eligibility and the individual will not appear in future comparisons.

Federal law limits the information that can be collected at the time a voter registers. Legislation in other states requiring proof of citizenship at the time of voter registration has been struck down by courts. In general, states are left with the option to resolve these questions after the voter is already on the rolls.

In summary, an individual is being given the opportunity to correct his or her own voting record. Furthermore, it is our obligation to ensure the voter rolls are accurate. With the upcoming presidential election in November, I am confident you and I agree that we want every eligible Tennessean to register to vote and ultimately cast their vote. Each voter needs to have confidence in the integrity of our elections, and I thank you for your questions regarding this important matter.

Thank you for your service to the citizens of Tennessee. If I can answer any further questions, please let me know.

Sincerely,



Mark Goins
Coordinator of Elections

cc: The Honorable Randy McNally, Lieutenant Governor and Speaker of the Senate
The Honorable Cameron Sexton, Speaker of the House of Representatives
The Honorable Jack Johnson, Senate Majority Leader
The Honorable Raumesh Akbari, Senate Minority Leader
The Honorable William Lamberth, House Majority Leader