



Shelby County Election Commission

Voter's Rights at the Polls

Harassment Free Zone

TCA § 2-7-111 (b) (1) requires that there is no political literature, supporters of candidates, posters, etc within 100 feet of the entrance to the polling place. People supporting candidates may not cross that boundary for any reason, even to use the restrooms in the building. However, exit polling may occur within the zone but they may only make inquiries of voters who are exiting the building.

Photo ID and Affidavit of Identity

TCA § 2-7-112 (c) requires voters to present photo ID issued by the State of Tennessee or the US government. TCA § 2-7-112 (f) has a little known provision. It states that if a voter is indigent and unable to obtain proof of identification without payment of a fee may execute an affidavit of identity and vote on a machine.

People Allowed in the Polling Place

TCA § 2-7-103 is very explicit about who is permitted in the polling place. Only election officials, voters, children of voters who are under 17 and accompanying their parents or guardians, persons properly assisting voters, media, poll watchers with credentials and people with written authorization from the county election commission.

Candidates may be present **after** the polls close; they may never enter a polling location for any reason except to cast their own ballot. Police may not come nearer than 10 ft to the entrance unless the officer of elections has invited them in or they are casting their own ballot.

Poll watchers may not interact with voters. There have been sporadic reports of voters feeling intimidated by poll watchers; this is unacceptable and a violation of TN law. Report any issues to the officer. If the officer is feeling intimidated, feel free to call us.

Cell Phones & Photographs

TCA § 2-7-143 prohibits the use of cell phones for telephone conversations, recording or taking photographs while inside the polling place. News media and election officials are permitted to take photographs but cannot photograph ballots or voters receiving assistance.

Voters Have the Right to Assistance

Voters who need assistance may be assisted by any person they select, except that a candidate may not assist them. If they do not bring someone with them, they may seek assistance from any election judge. However, if a judge is assisting them, a poll worker from the opposite party must watch the assistance they receive.

Voters May be Moved to the Front of the Line

TCA § 2-7-116 (c) (1) permits a voter who is physically disabled, visibly pregnant, or frail to ask the officer of elections to move them to the front of any line.

Time Limits

TCA § 2-7-118 limits voters to five minutes if people are waiting in line for machines; ten minutes in all other cases. This does not apply to voters who are receiving assistance or using the VIBS units.

Provisional Ballots

No voter should ever be turned away. A voter whose name does not appear on the poll book should be offered a provisional ballot. So, if a voter believes that they are registered and they do not appear on the poll list, they should request a provisional ballot.

Emergency Absentee Voting

TCA § 2-6-401 permits us to send a team to hospitals to vote patients who are hospitalized within twenty days of the election. In another little known provision, voters who will be unable to vote due to the death of a relative that will require them to be absent from the county, may vote at our office at 980 Nixon during regular business hours from the day after early voting ends until the day before the election.

Primary vs. General

Voters who want to vote in a primary must select a party. TCA § 2-7-115 (b) specifies that the voter should be a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote or if the voter, at the time of voting, declares allegiance to the political party. TCA § 2-7-126 allows a voter to be challenged by a poll watcher, through the election Judges. In the challenge process, three Judges have the voter take an oath and examine the evidence. Unless all three Judges are unanimous in their decision, the voter is allowed to vote. In actual practice, the challenge process is quite rare.

Website

www.shelbyvote.com

Complaints

The Election Commission is happy to respond to complaints but we need to hear from the voter who experienced the issue; please have them call us. We do not respond to anonymous complaints.

Campaign Signs

The Election Commission only has the authority to enforce the placement of signs within 100 feet of the entrance to the polling place. All other sign issues need to be taken to the appropriate enforcement agency, depending upon where the sign is located. TCA § 2-1-116 states that candidates in a primary, general or special election shall remove any signs that have been placed on highway rights of way or other publicly owned property. The removal shall be accomplished in a reasonable time not to exceed three weeks. The winner of the primary is not required to remove their signs.

TCA § 2-7-143 prohibits homeowners associations and units of government from prohibiting signs placed by the owner of the property or a lawful resident in the 60 days prior to the election. It does allow limitations of the number and size of signs. TCA § 2-19-144 prohibits campaign signs on poles and fixtures of utility companies.

New Laws

Public Chapter 726, effective immediately. Under previous law, a voter who requested an absentee ballot was only permitted to vote via mail. Under the new law, a voter who requested an absentee ballot who for some reason was unable to use it may appear to vote in person and vote a provisional ballot. The Provisional Counting board will count the provisional ballot of these voters if they confirm that no absentee ballot was received. In the event that the absentee was received, whichever one was cast first is the one that counts.

Public Chapter 673, effective January 1, 2019 reduces the time petitions may be issued from the current 90 days prior to the qualifying deadline to 60 days prior to the qualifying deadline.

Public Chapter 867, effective January 1, 2019 requires schools to close if their building is being used as a polling place for the November General election.

Public Chapter 842, effective immediately, eliminates the requirement that we publish notice of naturalization ceremonies as supplemental voter registration events. It also allows the Election Commission to notify poll workers of their appointment by email; previously we had to use US Mail.