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AG: Bill banning non-U.S. citizens from poll watching 'constitutionally suspect'

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Written by
Joey Garrison
The Tennessean

The state's attorney general says pending state legislation that would prohibit non-U.S. citizens, regardless of their immigration status, from working at or even entering polling places is "constitutionally suspect."

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In an opinion released Wednesday, Tennessee Attorney General Robert Cooper says House Bill 985, sponsored by Rep. Judd Matheny, R-Tullahoma, and Sen. Mike Bell, R-Riceville, would likely violate the equal protection clause of the 14th amendment despite the arguments of some backers.

"It is not apparent that protection of the integrity of the polling place is a rationale for this citizenship requirement, particularly when state

law does not otherwise require a person to be a registered voter to perform any of these functions in the polling place," the opinion reads.

The bill would require that poll watchers be U.S. citizens and bar non-citizens from admission to voting sites.

An amended version — which gives a special exemption authorizing non-U.S. citizens who are assisting physically disabled voters to enter polls — cleared the upper chamber earlier this month.

On the heels of the new attorney general's opinion, the House on Thursday opted to delay voting on the bill for one week.

Matheny did not immediately return a message seeking comment.

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The opinion points to a state statute that allows political parties and groups interested in “preserving the purity of elections” the opportunity to appoint poll watchers.

According to Cooper, requiring poll watchers to be U.S. citizens would have a “discriminatory impact” on aliens and foreign-born residents.

Immigrant advocates have embraced the legal opinion as they seek to defeat the legislation.

“The duties of poll watchers are not dependent on a person's immigration status,” said Stephanie Teatro, director of advocacy for the Tennessee Immigrant and Refugee Rights Coalition. “We agree with the Attorney General that this bill unlawfully discriminates on the basis of national origin and doesn't uphold our values as Tennesseans.”

Joey Garrison can be reached at (615) 259-8236 or jgarrison@tennessean.com.



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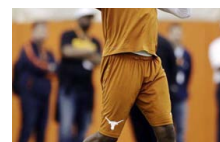
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