

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1183 - SB 1035**

March 30, 2017

**SUMMARY OF BILL:** Requires elections for offices other than Governor, the General Assembly, United States Senate, and United States House of Representatives to be conducted on a nonpartisan basis. Requires a runoff election in elections for judicial and county constitutional officers if no candidate receives a majority of votes cast.

**ESTIMATED FISCAL IMPACT:**

**Decrease Local Expenditures -**

**Exceeds \$4,304,400/FY17-18 and Every Four Years Thereafter**

**Increase Local Expenditures – Exceeds \$20,000,000/One-Time\***

**Other Fiscal Impact – There will be additional mandatory increases in local expenditures for the cost of conducting runoff elections which will vary from county to county based on the county population; however, and based on historical expenditures, such costs will range from \$10,500 to \$773,300 per county per election.\***

Assumptions:

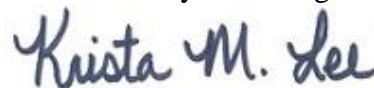
- County primary elections would no longer be required as a direct result of this legislation.
- In 2016, 54 counties held primary elections.
- According to the Division of Elections, based on expenses during the Presidential Preference Primary, the decrease in local expenditures is estimated to exceed \$4,304,400 beginning with the May 2018 county primary and occurring every four years thereafter.
- The proposed language would require a runoff election held not less than 30 days nor more than 45 days after the regular election in the event no candidate for county executive, sheriff, trustee, register of deeds, county clerk, assessor of property, or judicial office receives a majority of votes cast.
- Election costs vary based on the population of the local government holding the election. Based on figures from the 2016 Presidential Preference Primary, election costs range from \$10,500 to \$773,300, with approximately 40 counties having election costs falling between \$10,500 and \$25,000 per county per election.

- Pursuant to Tenn. Code Ann. § 2-9-108, each voting machine shall remain locked against voting for 5 days after the certification of an election and as much longer as may be necessary or advisable because of a contest over the result of the election. When another election necessitating the use of a particular voting machine is to be held within a period of 30 days after an election, that voting machine may be opened after 5 days upon the agreement of all candidates in the earlier election whose names appeared on the ballot on that machine.
- Due to the fact voting machines must remain locked until 5 days after the certification of an election and may only be opened for use within 30 days of the election; the prescribed timeline would result in counties having to purchase new voting machines for use in runoff elections.
- Pursuant to Tenn. Code Ann. § 2-3-104, where voting machines are used, there shall be no more than 1,000 registered voters per voting machine.
- There are currently five vendors providing voting machines to counties. Prices range from \$3,000 to \$4,000 for Direct-Recording Electronic (DRE) machines, optical scanning machines range from \$8,000 to \$12,000 per machine.
- There are 1,985 election-day polling locations.
- Due to multiple unknown factors such as how many counties will have to purchase new voting machines, the type of voting machines which will be purchased, the extent of cost per machine, a precise mandatory one-time increase in local expenditures cannot be determined; however it is reasonably estimated to exceed \$20,000,000 statewide.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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