

HOUSE BILL 1114

By Todd

AN ACT to amend Tennessee Code Annotated, Section 2-11-202, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-11-202(a)(5), is amended by deleting subdivision (5) in its entirety and by substituting instead the following language:

(5)

(A)

(i)

(a) Investigate or have investigated by local authorities the administration of the election laws and report violations to the district attorney general or grand jury for prosecution; and

(b) Audit the county election commissions in the administration of election laws to include, but not limited to, procedures for voter registration, list maintenance, financial records, election expenses, petitions, poll officials, absentee voting, ballot boxes, voting systems, minutes, certification of election results, and election results tabulation process.

(ii) In conducting an investigation or an audit pursuant to subdivision (a)(5)(A)(i)(a) or (b) the coordinator of elections or the coordinator's authorized representative may issue subpoenas and summon witnesses, administer oaths to such witnesses, take the depositions of witnesses, compel the production of documents, exhibits,

records or things, and require testimony on any issue related to the investigation or audit.

(B)

(i) Any report of an investigation conducted by the coordinator's office pursuant to the request of the attorney general and reporter and/or a district attorney general and filed with the attorney general and reporter and/or a district attorney general or a grand jury shall be privileged and confidential and shall not be deemed to be a public record.

(ii) The report of an investigation into the seating of a member of the general assembly shall be deemed to be a public record.

(iii) If a report of an investigation conducted by the coordinator's office pursuant to the request of the attorney general and reporter and/or a district attorney general appears in the news media, in whole or in part, such report shall be deemed a public record and immediately released.

All conclusions of law contained in such report shall be approved by the attorney general and reporter before the report is released;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.