

SENATE BILL 821

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to elections.

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

SECTION 1. Tennessee Code Annotated, Section 2-9-109, is amended by adding the following as a new subsection:

(c) Notwithstanding subsections (a) and (b), for the 2024 election cycle and election cycles thereafter, a county election commission may elect to use hand-marked paper ballots instead of voting machines in an election held in the county.

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 5, Part 2, is amended by adding the following as a new section:

(a) Beginning with the 2024 election cycle and notwithstanding another law to the contrary, each county election commission may:

(1) Use hand-marked paper ballots as the primary method of recording the vote used for certification; and

(2) Use a hand count of paper ballots as the primary method of tabulating votes.

(b) The state coordinator of elections, prior to the 2024 election cycle, shall:

(1) Procure a currency grade hand-marked paper ballot vendor that produces ballots containing a unique voter identifier or control number that allows for chain of custody accountability to be made available to county election commissions for use in all elections;

(2) Ensure that paper ballots are uniform in form, fit, and function without distinguishing characteristics;

(3) Inform county election commissions that such a paper ballot is available for elections conducted in 2024 and thereafter; and

(4) Establish a process for county election commissions to place each ballot in a secure box or bin for hand-marked paper ballots to be retained until a hand count is performed after the polls close; provided, that such box or bin must comply with § 2-5-214.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 7, is amended by adding the following as a new section:

(a) Notwithstanding another law to the contrary, this section applies to counties electing to use hand-marked paper ballots and hand counting of ballots beginning with the 2024 election cycle and all elections thereafter.

(b) After the polling place has been closed, the judges shall open the ballot box containing the hand-marked paper ballots in the polling place in the presence of the watchers and all other persons who are present.

(c) The judges shall alternate in drawing ballots and reading aloud within sight of the other judges the names of the persons who have been voted for on each ballot, and the two (2) precinct registrars shall record the votes at the same time for counting on record sheets. The completed record sheets must be bound in the poll books.

(d) Two (2) judges of different political parties shall then compute the votes for each candidate and each position on a question and enter the totals for the paper ballots on the duplicate tally sheets in ink. The third judge shall verify the computation and entry of the totals.

(e) The tally sheets for the hand count must be certified correct and signed by each judge and by the officer of elections and placed in the poll books.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.