

HOUSE BILL 2112

By Warner

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 4, Chapter 29; Title 4, Chapter 3, Part 3 and
Title 8, Chapter 4, relative to the Verify Our
Tennessee Elections Act.

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

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 3, is amended by adding the following as a new section:

(a) This section is known and may be cited as the "Verify Our Tennessee Elections (VOTE) Act."

(b) The comptroller of the treasury shall establish an office of election integrity within the department of audit to perform and supervise election audits.

(c) The office of election integrity shall conduct an investigation into the results of each general election for president of the United States and for each United States congressional race in this state. In conducting the investigation, the office of election integrity shall perform:

(1) A forensic voter audit for each county;

(2) A forensic voting system equipment audit for each county that the comptroller deems necessary to validate the election results; and

(3) A full forensic election audit of each county that utilized physical ballots.

(d) For purposes of carrying out this section:

(1) The office of election integrity has broad authority to:

(A) Conduct the investigation in the manner most likely to yield accurate and reliable results, including the authority to examine witnesses and subpoena documents and records other than ballots relative to the investigation that the office of election integrity reasonably believes will assist in carrying out the investigation; and

(B) Establish deadlines for purposes of producing ballots, documents, records, machines, equipment, and other information.

(2) Each county election commission and state and local election official shall fully cooperate with the office of election integrity and meet each deadline established by the office of election integrity for purposes of meeting the requirements of this section; and

(3) If a county election commission or a state or local election official does not cooperate with an office of election integrity investigation in a timely manner conducted under this section, then, upon referral of the matter by the comptroller of the treasury, the attorney general and reporter shall seek a writ of mandamus in a court of competent jurisdiction ordering the commission or official to comply with the request of the office of election integrity.

(e)

(1) The office of election integrity shall complete the investigation of the 2020 election no later than July 31, 2022. Each subsequent investigation must be completed no later than one (1) year from the date of the election under investigation.

(2) The office of election integrity shall report the results of each investigation to the governor, the speaker of the senate, and the speaker of the house of representatives:

(A) No later than August 31, 2022, for the initial investigation; and

(B) No later than one (1) month from the completion of the investigation in subsequent years.

(3) The office of election integrity shall prepare an audit plan for the 2022 general election and each subsequent election. The initial plan must be presented to the speaker of the senate and the speaker of the house of representatives no later than September 30, 2022, and no later than September 30 in subsequent election years.

(f) As used in this section:

(1) "Ballot" means a physical document completed by a voter, recording the voter's votes in a specific election;

(2) "Election audit" means an examination of voter records, ballots, vote counting, machine processing, and administrative handling to determine if errors or fraud influenced an election outcome;

(3) "Forensic election process audit" means an investigation to ascertain with a high degree of certainty that no part of the election process inappropriately modified legal ballots submitted, failed to count legal ballots, or did count ballots that were illegal;

(4) "Forensic voter audit":

(A) Means an examination of voter rolls and poll books to determine that a listed individual is a living person, legally qualified to vote in the precinct of record, and that the named individual voted in a lawful manner; and

(B) Includes canvassing a sufficient number of voters to accurately determine the number of unlawful registrants;

(5) "Forensic voting system equipment audit" means an examination and test of the integrity of all the equipment involved in ballot processing, tabulation, and data storage; and

(6) "Full forensic audit" means an audit incorporating a forensic voter audit, a forensic voting system equipment audit, and a forensic election process audit.

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