

HOUSE BILL 2239

By Freeman

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

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

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 9, is amended by adding the following as a new section:

(a) As used in this section, "voter-verifiable paper audit trail" means:

(1) A paper ballot marked by hand or marked by a device that is made available for inspection and verification by the voter at the polling location; or

(2) A record contemporaneously printed at the time a voter casts a ballot using a direct recording electronic system that is made available for inspection and verification by the voter at the polling location.

(b) A voter-verifiable paper audit trail shall not include the identity of the voter.

(c)

(1) After the effective date of this act, a county election commission purchasing or entering into a contract to obtain a voting system shall ensure that the system produces a voter-verifiable paper audit trail.

(2) A commission may enter into a contract to obtain a voting system that does not produce a voter-verifiable paper audit trail only if the contractor is contemporaneously seeking approval of compliant technology from the United States election assistance commission or the secretary of state and the contract provides for the transition to technology that produces a voter-verifiable paper

audit trail during the initial term of the contract at no additional cost to the county election commission.

(d) Voter-verifiable paper audit trails must be preserved as paper ballots pursuant to § 2-8-108 and must be used as the official ballot for purposes of a recount or audit.

(e) At the request of a county election commission, the state coordinator of elections shall provide to the commission necessary assistance and guidance in the selection or upgrade of voting systems, pursuant to the requirements of this section. To the extent federal funding through the Help America Vote Act (HAVA), compiled in 52 U.S.C. § 20901 et seq., can be used for the cost of purchasing, leasing, or upgrading a voting system, and is not otherwise appropriated in connection with another contract, the coordinator shall allocate all available financial assistance for purchasing or leasing such system.

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