State of Tennessee

PUBLIC CHAPTER NO. 655

HOUSE BILL NO. 2362

By Representatives Carter, Rudd, Helton, Smith

Substituted for: Senate Bill No. 2297

By Senators Gardenhire, Jackson, Gresham, Rose

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 40, relative to elections.

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

SECTION 1. Tennessee Code Annotated, Section 2-5-207(c), is amended by deleting the subsection and substituting instead the following:

(c) Except in counties using an electronic ballot marking system or ballot-on-demand technology approved by the coordinator of elections, all paper ballots for use in a polling place must be fastened together in convenient numbers in books so that each ballot may be detached and removed separately. Each stub must be attached to the ballot so that when the ballot is folded, the stub can be detached without injury to the ballot and without exposing its contents. Each stub must be serially numbered by the printer, and no two (2) ballots for use in a single precinct may have the same number. The commission shall keep a record of the numbers of the ballots supplied to each polling place.

SECTION 2. Tennessee Code Annotated, Section 2-7-114(c)(2), is amended by deleting the subdivision and substituting instead the following:

(2) In counties using an electronic ballot marking system or ballot-on-demand technology approved by the coordinator of elections, a ballot stub number is not required to be preprinted on the paper ballot. The election official shall file all ballot applications in the order in which they are received. When a ballot stub number is not preprinted on the paper ballot, the election commission must reconcile the number of applications issued in the polling place with the number of ballots recorded by the optical scanner used to tabulate the ballots in the polling place. Whenever the total number of applications issued differs from the total number of ballots scanned in a tabulator used in the polling place, the election commission shall complete a written report explaining the difference.

SECTION 3. Tennessee Code Annotated, Section 2-1-112, is amended by deleting the section and substituting instead the following:

2-1-112.

(a)

(1) An elected official or an employee of a municipal, county, state, or federal governmental body or agency shall not serve as a member of a county election commission.

(2) A member of a county election commission shall not serve as the campaign manager or treasurer of any candidate's political campaign in a local, state, or federal election during the commissioner's term of office. A violation of this subdivision (a)(2) subjects the member to immediate removal from office by a majority vote of the state election commission. This subdivision (a)(2) does not prohibit a member of the county election commission from providing uncompensated advice on a one-on-one basis to a candidate or party officer, nor does it prohibit providing a financial contribution to a candidate or party organization.

(3) A candidate in an election shall not act in connection with that election as a member of any board or commission established under this title or as an election official.

(b) The following persons shall not serve as election officials:

(1) An employee of a county or city who works directly under the supervision of an elected official who is on the ballot;

(2) The spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election in that precinct or district. This subdivision (b)(2) disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption. This subdivision (b)(2) does not disqualify a person from serving as an election official if the candidate to whom the person is related is an unopposed candidate. For purposes of this subdivision (b)(2), an "unopposed candidate" includes an individual whose nomination to an office at a primary election is unopposed by any other candidate within the same political party; or

(3) A member of a reserve unit of the United States army, air force, marine corps or navy, or a member of the national guard who is on active duty.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 3, Part 1, is amended by adding the following new section:

2-3-110.

(a) As used in this chapter, "emergency" means an occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, that results in a polling place being unavailable or unsuitable for voting. A natural threat includes disease, outbreaks, and epidemics.

(b) Notwithstanding anything in this chapter to the contrary, a county election commission shall use the following procedures when an emergency necessitates a change to a polling place location within ten (10) days of an election day:

(1) A county election commission shall not change a polling place without approval of the coordinator of elections;

(2) If no alternative suitable site is available within a precinct, the county election commission may create emergency supersites by moving a polling place that is unavailable or unsuitable due to an emergency to another polling place in the county. To the extent practicable, the county election commission should choose the nearest available and suitable polling place.

(3) The county election commission may designate the county election commission office or other centrally located site or sites for voting by any voter in the county.

(4) The county election commission shall provide notice of any changes as widely as possible under the circumstances, including, but not limited to, the media, county election commission website if the county maintains a website, secretary of state's website, and if possible, signage at each affected polling place.

SECTION 5. Tennessee Code Annotated, Section 2-4-102(a), is amended by redesignating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) Except for the officer of elections, the county election commission may provide that an appointment applies to a specific term that begins or expires at designated times during the election day.

SECTION 6. Tennessee Code Annotated, Section 2-4-103(e), is amended by deleting the subsection and substituting instead the following:

> (e) Notwithstanding any other law to the contrary, a county election commission may appoint as an election official a person who has reached sixteen (16) years of age and who meets all other requirements to serve. This section does not prohibit a high school student appointed as a poll official from receiving compensation in addition to having an excused absence.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: March 19, 2020

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 2nd day of April 2020

BILL LEE, GOVERNOR