

**RULES  
OF  
SECRETARY OF STATE  
STATE COORDINATOR OF ELECTIONS**

**CHAPTER 1360—2—2  
STATE CERTIFICATION**

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**1360—2—2—.01 CERTIFICATION OF MANUFACTURERS.**

- (1) No manufacturer of punch card voting devices may be certified in the State of Tennessee until it has proven to the satisfaction of the Coordinator of Elections of the State of Tennessee and to the Tennessee State Election Commission that
  - (a) It has a history of ethical conduct in the sales and use of its equipment;
  - (b) It is financially responsible;
  - (c) Its equipment has been successfully used in other jurisdictions of the United States;
  - (d) It can affirmatively demonstrate that it has provided adequate assistance to jurisdictions purchasing its equipment; and
  - (e) It agrees that it will contract with each jurisdiction in the State of Tennessee purchasing its voting devices that it will provide adequate professional assistance to such jurisdictions for not less than the first two county-wide elections using such devices.

*Authority:* T.C.A. §§2—910, 2—11—201(c). *Administrative History:* Original rule filed April 19, 1974; effective May 19, 1974. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

**1360—2—2—.02 CERTIFICATION OF VOTING MACHINES.**

- (1) No punch card voting machines or device will be approved for use in the State of Tennessee that does not:
  - (a) Provide facilities for voting for candidates at both primary and general elections or at nonpartisan elections or at a combination of a nonpartisan and partisan primary or general election;
  - (b) Permit a voter to vote for any person for any office, whether or not nominated as a candidate by a political party;
  - (c) Insure voting in absolute secrecy;
  - (d) Permit a voter to vote for any candidate or on any special measure for whom or on which such voter is lawfully entitled to vote;
  - (e) Provide sufficient illumination to enable the voters while in the voting booth to read the ballot labels and see the ballot card;

(Rule 1360-2-2-.02, continued)

- (f) Permit each voter, at presidential elections, by one punch or mark to vote for the candidates of any party for president, vice-president, and their presidential electors;
- (g) Clearly indicate, through the use of similarly colored ballot pages and ballot cards, proper differentiation and identification of the various primaries being voted on in any election.

**Authority:** T.C.A. §§2-910, 2-11-201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

**1360—2—2—.03 CERTIFICATION OF VOTING MACHINES USING COMPUTERS TO TALLY VOTES.**

- (1) No punch card voting device using electronic computers or automatic tabulating devices for the tabulating of the results of any election shall be certified in the State of Tennessee unless such computers or tabulating devices may be programmed to:
  - (a) Reject all votes for any office or measure when the number of votes exceeds the number which the voter is entitled to cast;
  - (b) Reject all votes for an office or measure for which the voter is not entitled to vote;
  - (c) Report the results by precinct for each office and each measure properly appearing on the ballot and periodically report cumulative totals throughout the counting procedure; and
  - (d) Accept, in any order, general election ballots and primary ballots for any party appearing on such ballots and accurately tally the results of each such primary and general election individually. By this requirement, it is meant that the tallying of one election need not be completed before the next election is tallied and that general election ballots and majority party ballots and minority party ballots need not be segregated before being fed into the computer or automatic tallying device.

**Authority:** T.C.A. §§2-910, 2-11-201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed March 13, 1980; effective April 26, 1980. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

**1360—2—2—.04 WITHDRAWAL OF CERTIFICATION.** Certification for any county may be withdrawn if, in the opinion of the Coordinator of Elections of the State of Tennessee or in the opinion of the Tennessee State Election Commission, a material violation of these Regulations has occurred in any election. This Section shall not be construed to encompass harmless errors of action or judgment or violations not affecting in any way, in the opinion of the Coordinator or the Commission, the result of any election. County election commissions are instructed, however, to train all workers, in their duties and responsibilities and to enforce their observance.

**Authority:** T.C.A. §§2-910, 2-11-201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed March 13, 1980; effective April 26, 1980. Repeal and new rule filed August 19, 1994; effective December 29, 1994.