

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

**CHAPTER 1360—2—5  
DUTIES OF COUNTY ELECTION COMMISSIONS  
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**1360—2—5—.01 BALLOT TESTS.** The respective county election commissions using the punch card voting machine shall design and order sufficient ballot pages and ballot cards to conduct each election. Such ballot pages and ballot cards, upon receipt, shall be subjected to a random test by the full commission to assure that all such ballot pages and all such ballot cards are accurately printed and accurately positioned. The ballot cards shall be placed under lock and key until distributed to the precincts.

*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—5—.02 MACHINE CARRIERS TO BE SEALED.** The voting machine carriers shall be sealed by the county election commission after ballot pages for each election are inserted and before delivery to the polls. The officer of election shall be provided with a list of seal numbers and he shall inspect each carrier before setting up the voting machines to determine that the seal numbers are correct and the seals are intact. No machine shall be used in that election if the seal is damaged or the seal number is incorrect.

*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—5—.03 POLL OFFICIALS.**

- (1) Each county election commission shall appoint under the provisions of T.C.A. §2—4—105, for each precinct, an officer of elections, three judges, not less than two registrars, a poll book clerk, a ballot clerk, an application clerk, and one or more demonstration clerks. In computerized counties utilizing a voter signature list, a poll book clerk and application clerk may be omitted. In precincts with 500 registered voters or less, the ballot clerk and the pollbook clerk may be the same person and the application clerk and the demonstration clerk may be the same person. One of the judges should be of the same political party as the officer of election and two of the judges should be of the opposite political party. One registrar shall represent the majority party in the State of Tennessee, and one registrar shall represent the minority party in the State of Tennessee. The election commission shall appoint all workers in each precinct as equally as possible between the two major parties in the State of Tennessee. This requirement of political affiliation shall govern all elections, except such primary elections held by only one political party, whether partisan in nature or not.
- (2) The county election commission shall schedule, in advance of each election, a school for all workers at the polls. No person shall be certified to work at any poll on election day who has not previously attended a school. The county election commission may limit attendance at instructional meetings to only those persons who are inexperienced or otherwise need such training.

*Authority:* T.C.A. §§2—910, 2—11—201(c). *Administrative History:* Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed June 4, 1974; effective July 4, 1974. Amendment filed March 13, 1980; effective April 26, 1980. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

**1360—2—5—.04 VOTER EDUCATION.** The county election commission shall provide advance publicity through the media of newspapers, television, radio, and brochures on the method of voting on punch card voting machines. Such commissions shall endeavor to secure maximum publicity, education, and training for the voter prior to election day.

*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—5—.05 BALLOT BOXES.**

- (1) Each election commission using the punch card voting machines shall provide to each precinct in the county a metal ballot box capable of being locked. The ballot box shall be equipped with an unlocked padlock and a plastic padlock seal. No two locks shall be opened by the same key and the keys shall be retained by the county election commission in a safe locked place inaccessible to any except the county election commission; provided, however, that the election commission may use a master key at the election counting center under appropriate safeguards.
- (2) Each officer of election shall be admonished not to lock the ballot box until just prior to the opening of the polls and not before it has been emptied in the sight of all persons present just prior to opening the polls and not before it has been examined by all persons present. Thereupon each officer shall be instructed to lock and seal the ballot box. The ballot box shall not be opened by any person at any time during the day and shall be opened only at the counting center after the closing of the polls and only by the processing board or the reception board.
- (3) The election commission shall provide with each ballot box a cover made of cardboard, or metal which shall lay over the top of the ballot box at all times when a voter is not depositing a ballot therein. Such cover shall be of light material and easily movable by the judge or judges of election responsible for the care or oversight of the ballot box.

*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—5—.06 COMPUTER USE.**

- (1) The county election commission shall provide for the use of electronic computer capable of receiving and tallying all ballots cast using the punch card voting machine. The commission shall take adequate steps to insure that the program for each election is in its hands, and tested, at least seven (7) days prior to each such election. The commission shall further require that the following safeguards be instituted to completely clear the computer equipment before ballot processing commences and to insure that no other work is in process:
  - (a) Secure the operating system and the application program as one unit.
  - (b) Lock out unwarranted actions on the console and log all actions.
  - (c) Generate an operating system that does not include multi-programming capabilities.
  - (d) Physically lock out all unused input-output devices. This provision means that before beginning vote-tallying program testing or running on a computer also used for other purposes, all extraneous peripheral equipment should be physically disconnected. The erasure of memory locations that are to remain accessible to the system, except those minimally required to load a new operating system, if any, should be accomplished. Active measures should be undertaken to assure that any tapes or disks to be used that are supposed to be initially blank are actually blank (except for machine-readable inventory identifiers) and have no defects.

(Rule 1360-2-5-.06, continued)

- (e) Physically protect the master console or ballot tabulator after initial program loading. This shall mean that some person unanimously agreed upon by the county election commission shall stand guard over the said master console or ballot tabulator to prevent unauthorized tampering with it. Such person shall take the oath provided in *T.C.A. §2-1-111*.
- (f) Require written certification to the Coordinator's office by the registrar and county election commissioners that the foregoing actions were properly taken.

**Authority:** *T.C.A. §§2-910, 2-11-201(c)*. **Administrative History:** *Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed June 4, 1974; effective July 4, 1974. Amendment filed March 13, 1980; effective April 26, 1980. Repeal and new rule filed August 19, 1994; effective December 29, 1994.*

**1360—2—5—.07 PROGRAM TEST AND AUDIT.**

- (1) The county election commission shall arrange by contract with an independent firm of certified public accountants, or public accountants, to provide test ballots, the predetermined number of votes and results known only to the auditor. The auditor shall receive sufficient ballots from the election commission to design a ballot test in the tested precincts. All ballots used for testing purposes shall be recorded by the registrar and deleted from the official ballots to be used by the voters. The ballot information and candidate positions for each precinct shall be provided to the auditor by the registrar. The county election commission shall perform a test of the ballot tabulating program according to the following procedures.
- (2) The presence of all election commissioners in conducting these tests is mandatory; provided, however, in the absence of a member for good cause, the tests may be done in the presence of members of the minority and majority party.
- (3) Test One (1) of the ballot tabulation program shall be of at least one precinct in each district selected at random by the auditor. These test ballots shall be delivered at least seven (7) days prior to the day of the election, in sealed envelopes to the county election commission. The correct results of each of the test ballots shall be in a separately sealed envelope.
- (4) Test Two (2) of the ballot tabulation program shall be a random testing of Five (5) precincts in the county which were not part of test One (1). The second test program shall be run within one hour prior to the closing of the polls in the presence of the full county election commission and the accuracy of the program rechecked through such second set of simulated ballots in the same manner as the first test. Following each test, the computer shall be instructed to erase the test results from its memory bank so that such test results are not included in the report of the election. A printout shall be made to show that all candidates and measures have zero (000) balances.
- (5) Test Three (3) of the ballot tabulation program shall be recertified after the completion of the tally for the total election using either the first or second test program, or both. Such final certification of the election program shall be done in the presence of all county election commissioners.
- (6) The auditor shall be instructed to test all ballot positions for each office including over votes. After each test, the county election commission shall ensure that the test results are cleared from the tabulator memory.
- (7) The county election commission shall be permitted to conduct any additional tests needed in the development of the ballot tabulation program.
- (8) Within twenty-four (24) hours following the election, the election commission shall cause an audit of the election to be made by an independent firm of certified public accountants, or public accountants.

(Rule 1360-2-5-.06, continued)

- The auditor shall compare the number of signatures on the applications or the voter signature list with the number of ballot stubs, the number of ballots counted by the computer, and ballots issued per the reconciliation sheets in each of five (5) precincts picked at random by each of the five (5) commissioners.
- (9) Within twenty-four hours following the election, the auditor may, at the discretion of the election commissions, run the voted ballots from any or all precincts.
- (10) The County Election Commission, after completing the comparison of the results, shall make and certify the official tabulation and certification of results, showing both precinct and county totals. The certification report shall contain an oath by the election commissioners of certification, the office and issue report and the write-in report, if necessary.

**Authority:** T.C.A. §§2—910, 2—11—201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed June 4, 1974; effective July 4, 1974. Amendment filed March 13, 1980; effective April 26, 1980. Repeal and new rule filed August 19, 1994; effective December 29, 1994.