

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

**CHAPTER 1360—2—7
PROCEDURE DURING ELECTION**

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1360—2—7—.01 VOTER DEMONSTRATION.

- (1) After the voter enters the polls, he shall be given a voting demonstration upon request. The demonstration clerk may be a votomatic judge or any other official designated by the Officer of election. The demonstration clerk shall show the voter how to punch the ballot card. He shall use a new demonstration card for each voter. He should ask each voter to punch the demonstration ballot at least once so that faulty punching techniques can be corrected prior to the voter being issued his official card. The following instructions with a demonstration of each point, should be substantially as follows:
 - (a) “Let me show you how to vote on the voting device. We want to be sure that you understand how this voting device is used.”
 - (b) “Insert the ballot card and place the slots over the red pins (demonstrate). You cannot punch the ballot card until the ballot card is in the correct position.”
 - (c) “Take the stylus and, holding it straight up and down, punch THROUGH (demonstration) the ballot card after the name of the candidate of your choice. (Have the voter take the stylus in hand and punch one or two positions).”
 - (d) “Notice the black spot, which shows that you have recorded a vote. After you have finished voting, withdraw the ballot card. It should look like this. (Hold up a ballot card for the voter to actually see the holes.)”
 - (e) “Please DO NOT USE PENCILS OR OTHER INSTRUMENTS in punching the ballot cards. ONLY THE STYLUS is to be used in punching.”
 - (f) “Upon completing your ballot, remove carefully from the voting device so as not to tear or injure it.”
 - (g) “Take your ballot to the ballot box. DO NOT PUT YOUR BALLOT IN THE BALLOT BOX UNTIL INSTRUCTED BY THE JUDGE. He will instruct you how to remove the foldover stub and remind you to check for the hanging bits of cardboard. Only when the judge indicates your ballot is now ready should you deposit it in the ballot box.”
 - (h) “Turn your card over to see the reverse side (demonstrate). If there are any bits of cardboard hanging from the holes you have punched, carefully remove them.”
 - (i) “Do you have any questions?”

(Rule 1360-2-7-.02, continued)

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—7—.02 APPLICATION FOR BALLOTS. Although counties using a punch card voting system are exempt from using pre-numbered applications for ballots pursuant to T.C.A. §2—5—216(b)(2), the county election commission should consider whether the use of pre-numbered applications for ballot would increase security and accounting of ballots. In counties where pre-numbered applications are used, the following designation shall appear on the face of such application: Punch-card Ballot No. The registrar will enter the Application number on the voter's permanent registration card and the voter will enter his or her application number before his or her name on the poll list. The voter will then present his or her verified application to the Ballot Clerk who will enter the Punch-Card Ballot Number in the blank on the Application before giving the voter his or her ballot and shall place his or her initials next to such a notation.

Authority: T.C.A. §§2—910, 2—7—117 and 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—7—.03 PROCEDURAL STEPS GOVERNED BY ELECTION CODE: WHEN TO GIVE VOTER HIS BALLOT. The provisions of T.C.A. §2—7—112 except as modified by §1360—2—5—.10 of these regulations, which shall be in addition to the requirements of said code section, shall govern the next steps in the electoral process. In counties utilizing a voter signature list the registrar shall hand the ballot to the voter after verifying the voter's signature, address and recording the voter's ballot number after receiving the ballot from the ballot official. In counties utilizing a poll list the poll book official shall record the ballot number on said list. The registrar will hand the ballot to the voter; provided, however, THAT THE BALLOT CARD SHALL NOT BE ISSUED TO ANY VOTER UNTIL THERE IS A VOTING DEVICE AVAILABLE FOR THE VOTER'S IMMEDIATE USE. The voter shall immediately take his or her ballot to a voting machine and cast his or her vote. One judge shall be assigned during the entire voting period to directing voters to available machines.

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; Amendment filed March 13, 1980; effective April 26, 1980; Repeal and new rule filed August 19, 1994; effective December 29, 1994.

1360—2—7—.04 WRITE-IN VOTES.

- (1) The county election commission shall provide sufficient write-in envelopes for each election at each precinct on any election day. Any voter desiring to cast a ballot for a candidate whose name is not on the voting machine ballot may request a write-in envelope to be furnished to the voter by the ballot judge (clerk). Punch card ballots and write-in envelopes shall be exclusively used in any election. There shall be no paper ballots used for elections for write-in purposes.
- (2) An adequate number of write-in envelopes shall be provided for each polling location. When the voter desires to write in a candidate, the ballot clerk shall issue the voter a punch card ballot and a write-in envelope. Additional write-in envelopes may be issued if needed. Write-in envelopes must be requested by the voter, not offered by the ballot clerk.
- (3) Upon issuing a punch card ballot and a write-in envelope to the voter, the ballot clerk will instruct the voter substantially as follows:
 - (a) "Vote all offices on the punch card ballot except for these offices that you want to write in. Write in BOTH the title of the office and the candidate's name on the write-in envelope as indicated. (Open envelope and show the voter instructions and space for write-in). After you have voted, insert the ballot card with the stub exposed into the envelope pocket and close the

(Rule 1360-2-7-.04, continued)

flap. Take your ballot and write-in envelope(s) to the ballot box. Do not put your ballot into the ballot box until instructed by the judge. Do you need a pen? (Pens will be supplied to the ballot clerk for write-in purposes). Please give the pen to the judge when you deposit your ballot. Do you have any questions?"

- (4) A voter who has cast a write-in ballot shall be instructed as to the proper method of depositing both the punch card ballot and the write-in envelope into the ballot box. The procedure shall be the same as the procedure set forth in rule 1360—2—7—.07 and such voter shall additionally be advised substantially as follows by the judge: "Insert your ballot card, with the card corners exposed at the bottom of the envelope, into the envelope pocket." Without touching the voter's ballot or write-in envelope, the judge will check to see that this is properly done by checking to see that only the corners of the ballot card are visible at the bottom of the envelope.

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. Amendment filed July 6, 1988; effective October 29, 1988. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

1360—2—7—.05 HANDLING OF ANOTHER'S BALLOT PROHIBITED. No person whether officials or poll watchers or inspectors or election commission members, or other voters shall be permitted to handle any voter's ballot or write-in envelope for any purpose after it has been given to the voter. The only exceptions permitted to this rule are (1) when the voter returns a spoiled ballot and requests another, or (2) when a voter is receiving legally permitted assistance under the provision of T.C.A. Section 2—7—116.

Authority: TCA §§2—910, 2—11—201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed July 6, 1988; effective October 29, 1988. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

1360—2—7—.06 SPOILED BALLOTS. T.C.A. Section 2—7—120 shall govern the issuance of new ballots for spoiled ballots. The officer of election shall cancel the voter's spoiled ballot, without exposing the choices of the voter, by writing on its face with a black felt pen the word "SPOILED". The spoiled ballot shall be placed in the designated "SPOILED BALLOT ENVELOPE" and returned to the counting center in the ballot box. The ballot stub must NOT be removed from the spoiled ballot. These same procedures shall govern the spoiling and issuance of write-in envelopes.

Authority: TCA §§2—910, 2—11—201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed July 6, 1988; effective October 29, 1988. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

1360—2—7—.07 DEPOSITING BALLOT IN BALLOT BOX.

- (1) Upon the completion of voting, the voter shall carefully remove his or her ballot from the machine and move immediately to the ballot box. The ballot opening to the box shall be covered and before removing the cover to allow the voter to deposit his or her ballot, the judge shall instruct the voter in substantially the following manner:
- (a) "Please fold the stub back and forth across the perforation and tear the stub from your ballot."
 - (b) The judge will wait to permit the voter to separate the ballot stub. The judge will then further instruct the voter:
 - (c) "Please hand me the stub to your ballot." The judge will take great care that he or she receives the stub, not the ballot. Upon receiving the stub, the judge shall further instruct the voter:

(Rule 1360-2-7-.07, continued)

- (d) "Please turn your ballot over and check the reverse side. Are there any bits of cardboard hanging on your ballot" If so, please remove them." (THIS IS IMPORTANT AND MAY NOT BE OMITTED.)
- (2) The ballot box judge will watch to see that this is done correctly. When the judge, without touching the ballot, is satisfied that all hanging chads are removed, he or she shall remove the cover from the ballot box slot and instruct the voter:
 - (a) "Please deposit your ballot into the ballot box." When the ballot has been deposited in the ballot box, the judge shall replace the cover and further instruct the voter as follows:
 - (b) "Please sign your name across your ballot stub." When the voter has signed the ballot stub, the judge shall file it in the ballot stub box.
- (3) Voters may occasionally object to signing the ballot stub, fearing that this violates the secrecy of the ballot. Such voter should be assured that the ballot stub is already identified by the number in the poll book or on the voter signature list, and that the purpose of the signature is to ensure that the same person who received the ballot actually voted that ballot, and that there is no way to identify the voter's actual ballot in the ballot box by comparison with any ballot stub.
- (4) If the voter is in possession of a write-in envelope, the judge at the ballot box shall instruct the voter as directed in the procedures for write-in votes, as set out in Rule 1360—2—7—.04.

Authority: TCA §§2—910, 2—11—201(c). **Administrative History:** Original rule filed April 19, 1974; effective May 19, 1974. Amendment filed July 6, 1988; effective October 29, 1988. Repeal and new rule filed August 19, 1994; effective December 29, 1994.