

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

**CHAPTER 1360—2—9  
PROCEDURES AT THE COUNTING CENTER**

**TABLE OF CONTENTS**

1360—2—9—.01	The Counting Board	1360—2—9—.07	Computer Area
1360—2—9—.02	Reception Board	1360—2—9—.08	County Election Commission As Counting Board Election Returns Board
1360—2—9—.03	Processing Board		
1360—2—9—.04	Duplication Board		
1360—2—9—.05	Write-In Board	1360—2—9—.09	Preservation of Ballots
1360—2—9—.06	Data Processing Board	1360—2—9—.10	Single Party Primaries

**1360—2—9—.01 THE COUNTING BOARD.**

- (1) The counting board shall be responsible for the reception of all ballot boxes and for the processing and tabulating or tallying the results of all elections. The counting board shall be comprised of five (5) subsidiary boards appointed by, and responsible to, the county election commission. The subsidiary boards are:
  - (a) Reception board;
  - (b) Processing board;
  - (c) Duplication board;
  - (d) Write-in board; and
  - (e) Data processing board.
- (2) The county election commission shall instruct each board in its specific duties, and shall instruct all personnel in the entire counting board process so that all counting board personnel are totally familiar with the entire counting process.

**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. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

**1360—2—9—.02 RECEPTION BOARD.** The reception board shall consist of one team or more of two persons each, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party. Such teams shall receive the ballot boxes as they are brought in to the counting center from the precincts. They shall examine the condition of the ballot box, the condition of the lock, the condition of the seal, and the condition of the sealed sign over the top of the ballot box. If all seems in order, they shall issue a receipt in triplicate for the ballot box, one copy to go to the judge or officer of the majority party bringing in the ballot box, one copy to go to the judge of the minority party bringing in the ballot box, and one copy to be retained by the county election commission. In the event that the ballot box, the lock, or the seal do not appear to be in order, the receiving team shall summon the chairman and secretary of the county election commission who shall conduct an immediate investigation as to the cause of the irregularity. If, after an investigation, the ballot box seems in order, it shall be processed in the usual manner and appropriate entries shall be made on the reception board log (Fig. 3). If however, no explanation for the irregularity can be given to satisfy both members of the election commission making the investigation, the ballot box shall be set aside under lock and key and a full-scale hearing shall be held on the day following election. The ballots therein shall be processed separately and segregated, and the results of such precinct

(Rule 1360-2-9-.02, continued)

tabulation shall not be communicated to any person, including any member of the election commission, until the hearing is held and the election commission shall make a determination as to the validity of the votes contained in such ballot box. The Coordinator of Elections and the State Election Commission shall be immediately notified the night of the election of the irregularity and the hearing shall be held only in the presence of the Coordinator of Elections or his representative and/or State Election Commission or its representative. In the event that the election commission can make no determination, or in the event that either the representative of the Coordinator of Elections or the representative of the State Election Commission or any candidate is not satisfied with the results, then, in that event, the matter shall be referred to the Chancery Court of the County in which the election is held and to the Attorney General. The county election commission, the Coordinator of Elections, or the State Election Commission shall represent all candidates for election in the precinct in question, except where a candidate brings the action and the matter shall be heard pursuant to the provisions of T.C.A. Title 2, Chapter 17.

**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. Repeal and new rule filed August 19, 1994; effective December 29, 1994.

### **1360—2—9—.03 PROCESSING BOARD.**

- (1) The processing board shall contain as many members as may be deemed necessary by the county election commission. All write-in ballots shall be segregated and immediately sent to the duplication board. The processing board shall work in teams of two persons representing each of the majority and minority political parties. The said teams shall receive the ballot boxes from the reception board, shall open the ballot boxes and shall stack the punch card ballots in receiving trays, face forward.
- (2) The teams shall remove mutilated or damaged ballots which shall be sent to the duplication board in the following manner. In counties using the automatic devices, called the “ballot tab”, the processing board will remove the damaged ballots, place them in the damaged ballot envelope, properly note the name and number of the precinct on the damaged ballot envelope as well as the number of the damaged ballots contained therein. The damaged ballot envelope will then be placed on the top of the completed card tray and the runner or courier will deliver the complete tray with the damaged ballot envelope to the duplication board. The duplication board will then reproduce the damaged ballot as provided hereinafter in rule 1360—2—9—.04.
- (3) No effort shall be made by the processing board to segregate the various types of colors of punch card ballots by type of election. All write-in ballots shall be segregated and immediately sent to the duplication board. The trays of stacked punch card ballots shall then be forwarded to the data processing board or to the duplication board as provided in paragraph (2), supra and appropriate entries shall be made on the processing board log (Fig. 4).

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

### **1360—2—9—.04 DUPLICATION BOARD.**

- (1) The duplication board shall be made up of one or more teams of two members each, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party. Upon receiving a damaged or mutilated ballot, the duplication board team will undertake the duplication of the ballot in the following manner:
  - (a) The ballot to be duplicated will be placed in a porta-punch device. Under the ballot to be duplicated will be placed a pre-scored ballot card similar to the ballot to be duplicated. The color of the duplicate ballot is red.

(Rule 1360-2-9-.04, continued)

- (b) The duplicated ballot will then be seen through the holes of the original ballot. One member of the duplication team will, under the observation of the other member and with the stylus provided, begin on the left side of the ballot and go down the entire row punching out each red chip that can be observed through the original ballot. This will be done for each row in succession in which red rectangles appear. The team shall also punch out the precinct and, where applicable, the Party identification positions which appear at the very bottom of the ballot.
  - (c) When the team is satisfied that it has accurately reproduced the ballot, the team member who observed the process will, in the presence of the team member who punched the ballot, site the ballot against the light.  
  
This will be a check to determine whether all the holes in the original ballot have been punched out and will be a further check to insure that any holes not in the original ballot have not been punched out.
  - (d) When both members of the team are satisfied that the ballot is properly duplicated they will each sign the back of the duplicated ballot.
  - (e) Both the original damaged ballot and the duplicate ballot will be identically serially numbered beginning with "Ballot Number 1."
  - (f) The duplicate ballot will then be entered into the tray in ballot tab counties and the mutilated ballot will then be placed in the damaged ballot envelope and forwarded to the data processing board.
  - (g) One damaged ballot envelope will be provided for each precinct. The outside of the envelope will have a space to name or identify the precinct and a space showing the number of damaged ballots included therein.
  - (h) Upon the completion of the duplication of damaged ballots, appropriate entries shall be made on the duplication board log (Fig.5).
- (2) Upon receiving a ballot containing a write-in envelope, the board will process such a ballot as follows:
- (a) The board will place identical precinct and ballot identification numbers on the ballot card and on the write-in envelope.
  - (b) The board will remove the ballot card from the write-in envelope and will determine whether the voter has voted for any candidate on the punch card ballot for an office for which a different candidate's name has been written in. In such a case, the write-in envelope shall be rejected and the ballot card shall be duplicated, omitting the vote for the candidate which conflicts with the write-in envelope.
  - (c) If the votes on the write-in envelope do not conflict with the ballot card, both the ballot card and the write-in envelope will be forwarded to and processed in the usual manner by the write-in board.
  - (d) If a voter casts a vote for the same candidate on both the ballot card and the write-in envelope, the ballot card will be processed in the usual manner and the write-in envelope will be rejected with the appropriate 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,

(Rule 1360-2-9-.04, continued)

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—9—.05 WRITE-IN BOARD.**

- (1) The write-in board will consist of one or more teams of four members each, two of whom shall be members of the majority party and two of whom shall be members of the minority party. Write-in ballots shall be manually tallied on a tally sheet provided by the county election commission for this purpose. The procedure for tallying shall be as follows:
  - (a) One member of the team shall call the votes in a clear and distinctive voice. Another member of the team of the opposite party shall observe the call. The third member of the team of the opposite party of the person calling the vote shall write down the tally on the tally sheet. He shall be observed by the fourth member of the team who shall be of the same political party as the member calling the tally.
  - (b) The tally sheet shall, at conclusion of the evening be signed by all four members of the write-in board team and shall be forwarded, together with the write-in ballots, to the data processing board. The write-in tally sheet shall be tallied by precinct.
- (2) The county election commission may allow its duplication board to also serve as the write-in board. However, the make-up of the board and procedures as provided in this rule shall be strictly adhered to.

**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—9—.06 DATA PROCESSING BOARD.** The data processing board shall consist of one member of the county election commission representing the majority party and one member of the county election commission representing the minority party, the programmer employed by the election commission or supplied by the manufacturer, and as many trained personnel as will be required to operate the computer and to move the ballots in and out of the computer room. In large counties, or in long elections, the county election commission may elect to have one duplication board team in the computer area to handle any ballots damaged by the computer or the ballot tab. The count of a precinct will begin as each such precinct is received from the processing board. As each precinct is completed, appropriate entries shall be made on the data processing board log. (Fig. 6). The Data Processing Board will integrate the write-in results into the totals after the last precinct to arrive in the data processing area has been processed.

**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—9—.07 COMPUTER AREA.** Access to the computer area shall be restricted to members of the data processing board and the county election commission. The Coordinator of Elections, or his representative, and members of the State Election Commission, or their representatives, shall have free access to all areas at all times. The county election commission shall secure the area by fence, rope, or other system, and shall provide sufficient law enforcement personnel to insure that only qualified persons are allowed in this area.

**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—9—.08 COUNTY ELECTION COMMISSION AS COUNTING BOARD.** Where in any election, the total number of registered voters entitled to cast ballots does not exceed one thousand (1,000), the county election commission may perform all duties of the counting board: provided, however, that in such cases, there shall be at least one member of the majority party and one member of the minority party present at each operation of the counting board's duties.

*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—9—.09 PRESERVATION OF BALLOTS.** Following the audit provided for in Section 1360—2—5—.07, all ballots shall be retained by the county election commission as provided in T.C.A. §2—8—108.

*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—9—.10 SINGLE PARTY PRIMARIES.** In the event that only one party elects to hold a primary, then and only in that event, the election officials appointed for the precincts and the members of the counting board may be made up of members of that party only.

*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.