

Think**Tennessee**

Voting in Tennessee in 2024:

Education Series Part 5 of 5

Election Integrity

Federal laws, e.g., the 1965 Voting Rights Act, 1993's National Voter Registration Act, and 2002's Help America Vote Act, set the guidelines for the administration of elections across the country. However, elections are administered at the state level. Policies from voter registration eligibility to how voters can cast their ballots vary from state to state.

This series highlights key elements of Tennessee's election laws so Tennessee voters can successfully participate in elections.

What voters should know about Tennessee's election integrity:

- **Verifying Voter Eligibility:** Registration and list maintenance
- **Verifying In-Person Ballots:** Machine tests, paper backups, and audits
- **Verifying and Securing Absentee Ballots:** Eligibility review

Tennessee elections are administered at the county level by County Election Commissions. Steps at every stage help to protect the integrity of Tennessee's elections by ensuring only eligible voters can participate and that all

eligible votes are counted.

Election Integrity in TN:

- Tennessee's election process consists of multiple levels of security and checks for eligibility that help ensure the system is trustworthy.
- Election officials review voter registration applications to ensure applicants are 18 years old, a Tennessee resident, a U.S. citizen, and don't have a disqualifying felony conviction or have had their rights restored.
- Election officials regularly perform "list maintenance" to remove certain voters. You cannot be removed simply for not participating.
- It's a good idea to confirm that you are still registered at tnmap.tn.gov/voterlookup/ and to do so before the voter registration deadline.
- Voting machines now provide a paper backup that can be used in post-election audits to ensure an accurate vote count.

- Tennessee Elections: Officials Who Oversee the Process

Verifying Voter Eligibility: Voter registration and list maintenance

- **The application process includes qualifying questions and a voter declaration**
 - Election officials review voter registration applications to ensure applicants are eligible to register, and applicants affirm that the

- information they provide is accurate.¹
- Ensuring eligibility on the voter registration application
 - Two of the five voter registration application sections seek to determine eligibility to register.²
 - **Section 1: Voter Eligibility**
 - You must answer “YES” to all three parts:
 - Are you a citizen of the United States?
 - Are you a resident of Tennessee?
 - Will you be 18 or older on or before Election Day?
 - **Section 4: Felony Conviction**
 - The application asks if you have ever been convicted of a felony.
 - If you answer yes, it asks for additional information.³
 - If you have had your voting rights restored or received a pardon, it asks you to provide proof.
 - You declare under oath your statements on the application are true.
 - The application warns that “knowingly giving false information” or “attempting

¹ Election officials may reach out to applicants if there is information missing from an application or otherwise try to correct any deficiencies before rejecting applications.

² The other three sections on the voter registration form include (1) personal information (such as name, address, date of birth, and social security number), (2) the last address where you were registered to vote (if applicable), and (3) the voter declaration affirming your statements are true.

³ If you answer yes, the Tennessee voter registration application also asks you to provide the crime(s), month and year, and place of conviction “if known.”

to register when not qualified” is a felony punishable by 2-12 years and/or a \$5,000 fine.

- By signing the application, you affirm that your statements are true to the best of your knowledge.

- Election officials perform routine list maintenance to keep voter rolls up to date
 - Election officials remove a voter from the voter roll if they ask to be removed, are convicted of a felony, die, or move out of the county.⁴
 - Voters cannot be removed simply for not participating.⁵
 - Election officials receive regular updates about deaths and convictions, and they are required to verify voter addresses at least every two years.⁶ Removing voters who have moved requires multiple steps and takes multiple years.
 - **Election officials mail a confirmation notice to voters who they believe may have moved.**
 - Election officials can only use information from specific sources to determine if a voter may have moved.⁷ They mail these voters a confirmation notice, placing the voter on the inactive voter list until their address

⁴ Tenn. Code Ann. § 2-2-106(a).

⁵ Voters should only be removed if requirements are met through the state’s uniform voter list maintenance program. Federal law prohibits removal of a registered voter simply for failure to vote. National Voter Registration Act (NVRA) of 1993, 52 U.S. Code § 20507(b)(2).

⁶ Tenn. Code Ann. § 2-2-106(b). Address verification programs must meet requirements of NVRA, 52 U.S.C. §§ 20501-07.

⁷ Tenn. Code Ann. § 2-2-106(c).

can be verified.

■ **Confirmation notice**

- Voters suspected to have moved are mailed a postage-prepaid, pre-addressed returnable confirmation notice. Voters must return the notice, verifying that they either have or have not moved.⁸

■ **Inactive voter**

- Voters remain on the inactive voter list until they vote.⁹ If inactive voters do not vote before the second regular November election, they will be removed (A “regular November election” occurs in even years-presidential or midterm elections).

■ **Only specific sources are used to suggest a voter has moved**

- The U.S.P.S. National Change of Address service
- Returned mail from the County Election Commission
- A comparison of the voter registration records and those of other state agencies or from commercially available data such as credit agencies
- Information from the Department of Safety that a voter has surrendered their Tennessee license while obtaining one in another state.¹⁰

⁸ Tenn. Code Ann. § 2-2-106(c)(2).

⁹ An inactive voter could also verify their address by engaging their county election commission (e.g., by updating their voter registration).

¹⁰ Tenn. Code Ann. § 2-2-106(c)(1).

- **Did You Know?**

- **You can confirm your registration status, and you should do so before the registration deadline.**

- Even with protections in place to prevent voters from being mistakenly removed from the voter list, it is possible. If you miss a confirmation notice and don't participate in elections for a few years, you could be removed. Before an approaching voter registration deadline (30 days before Election Day), you can confirm you are still on the rolls at this website:
tnmap.tn.gov/voterlookup/.

- What happens after a confirmation notice is sent depends on if a voter responds to it.

- **If you return the confirmation notice**

- You say that you have not moved
 - You will be returned to the active voter list
- You say you have moved
 - If you are still in the county, your registration is updated to reflect your new address
 - If you moved to a new county, you are removed from the voter roll

- **If you do not respond to the confirmation notice**

- You show up to vote before the second regular November election
 - If you have not moved, or if you have

moved within the same county, you can cast a ballot.¹¹

- You do not vote or engage with your County Election Commission by the second regular November election
 - You will be removed from the voter roll
- **After either two or three years, voters who do not respond to confirmation notices or vote may be removed**
 - A voter who misses two November elections can be removed from the roll after two or three years, depending on when the confirmation notice is sent.¹² Election officials may take longer to process removals, but by law at least two November elections must pass.
 - Confirmation notice sent April 2021: Voter can be removed after three years (in 2024)
 - Confirmation notice sent April 2022: Voter can be removed after two years (in 2024)
 - Voters cannot be removed from the rolls within 90 days of an August election.¹³ Once removed from the rolls, a voter must re-register before voting again.

Verifying In-Person Ballots: Machine tests, paper backups, and audits

¹¹ When you appear at your polling place, you make a written affirmation of your address in the county and can vote. Tenn. Code Ann. § 2-2-106(d)(4). If your new address puts you in a different polling place and you are voting on Election Day, you will have to go to the appropriate polling place based on your new address.

¹² If you do not respond to a confirmation notice and do not vote or otherwise engage with your county election commission for two regular November elections, you will be removed from the voter roll. Depending on when you are sent the confirmation notice, this could be two years (if notice was sent in an even year) or three (if notice was sent in an odd year).

¹³ Tenn. Code Ann. § 2-2-132. Also, address verification must be completed at least 90 days before a federal election. Tenn. Code Ann. § 2-2-106(b).

- Ensuring ballots are cast and counted accurately
- Election officials test and secure voting machines
 - Each county follows a multi-step process to test and secure voting machines before elections, including bipartisan machine technicians and public pre-election machine testing.
 - County Election Commissions hire at least one voting machine technician from each political party to prepare and maintain voting machines for elections.
 - Voting machines are publicly inspected to show that they do not contain any votes before an election begins.
 - County Election Commissions perform “logic and accuracy” tests, i.e., dress rehearsals, on all, or a sample, of machines to ensure they are performing accurately.
 - Machines are kept locked and secured with multiple levels of verification to prevent access to them.
 - Voter-verifiable paper audit trail (VVPAT) provides “paper backups”
 - All voting machines in Tennessee must now provide a voter-verifiable paper audit trail (VVPAT).¹⁴ VVPATs provide an additional level of verification and security. During election audits, the paper ballots provide a “backup” that can be matched with the

¹⁴ The Tennessee legislature passed a law in 2022 (Public Chapter 1144) requiring all counties to use machines with a VVPAT starting in 2024. Previously, many counties used Direct Recording Electronic (DRE) machines with no paper backup component.

- totals provided by machines.
- Post-election audits add another layer of verification
 - Election audits help ensure voting machines operate correctly and votes are counted accurately. Starting in 2024, Tennessee will implement a new post-election audit process.¹⁵
 - At least three counties in August and six counties in November will be randomly selected to perform a specific type of election audit.¹⁶
 - All other counties will also be required to perform audits of the top race on the ballot in November and the highest county office race in August.¹⁷
 - In an audit, selected ballots and machines are rescanned and compared to the reported numbers. If there is a variance of more than 1% in the results, the audit is expanded to additional voting precincts.

Verifying Absentee Ballots: Eligibility review

- Absentee ballots are reviewed at multiple stages
- **Election officials verify absentee applications**
 - County Election Commissions accept or reject requests to vote absentee

¹⁵ Tenn. Code Ann. § 2-20-103(a). The secretary of state will select county election commissions to conduct an audit starting with the first election in 2024.

¹⁶ The audits will be a traditional tabulation (a bipartisan team of election officials hand count a number of randomly chosen ballots), risk-limiting (a random sample of ballots is chosen by statistical methods), or performance audit (a review of the procedures followed to conduct the election). Tenn. Code Ann. §§ 2-20-103(a) (audit information), 2-20-101(b) (definitions).

¹⁷ Tenn. Code Ann. § 2-20-103(b).

- **Application accepted:** If the signature matches the voter’s registration record and all the necessary information is provided
 - **Application rejected:** If the signature does not match, information is missing, or if the voter is deemed to be ineligible to vote absentee

- **Election officials review absentee ballot envelopes**
 - When election officials receive absentee ballots in the mail, they again review the voter’s signature on the affidavit attached to the envelope to verify that it matches the signature on record.
 - **Ballot accepted:** Accepted ballots are secured in a ballot box until the close of polls on Election Day
 - **Ballot rejected:** If a signature does not match, or election officials determine the ballot is ineligible for any reason, it is rejected. They must immediately notify the voter that the ballot has been rejected

- A “counting board” reviews and counts absentee ballots
 - After the polls close on Election Day, an appointed absentee ballot counting board reviews absentee ballots, and again they can be either accepted and counted or rejected.¹⁸
 - **Final review:**

¹⁸ If there are fewer than 100 absentee ballots, the county election commission may serve as the board. Tenn. Code Ann. § 2-6-302.

- The counting board reviews the absentee ballot envelope again and determines whether it is accepted or rejected. Rejected ballots are marked “rejected” (with the reason why) and placed aside. Election officials must notify the voter that their ballot was rejected.¹⁹
- **Casting absentee ballots:**
 - The counting board then opens the accepted absentee ballots, ensures that each ballot includes the required watermark, and then counts the ballot.²⁰

¹⁹ Election officials must immediately notify the voter in writing. Tenn. Code Ann. § 2-6-204(b).

²⁰ Tenn. Code Ann. § 2-5-207(b)(2).