

FISCAL MEMORANDUM
SB 1363 – HB 1256

March 13, 2008

SUMMARY OF AMENDMENT (014480): Deletes all language of the original bill. Enacts the *Tennessee Voter Confidence Act* to require any voting system purchased or leased with state, federal, or local funds after the effective date of this act to use an individual voter-verifiable paper ballot of the voter's vote (optical scan or touch-screen machines) that can be made available to the voter for review before the vote is cast. Requires all current voting systems to produce a paper audit trail as soon as practical but no later than the general election of 2010.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$9,535,000/One-Time

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$25,000,000/One-Time

Increase Local Expenditures* - Exceeds \$100,000

Assumptions applied to amendment:

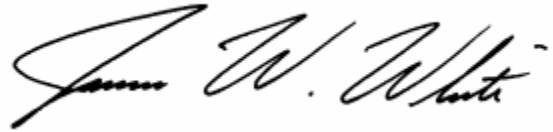
- According to the State Coordinator of Elections, the implementation of the optical scan voting system to replace the voting systems in 93 Tennessee counties that now use Direct Recording Electronic Voting machines (DREs) will result in a one-time increase in state expenditures of approximately \$25,000,000.
- Two counties, Pickett and Hamilton, currently have optical scan machines.
- There are approximately 2,500 precincts in Tennessee.
- Each precinct would need at least one scanner and one marking device for voters with disabilities. Scanners and marking devices would cost approximately \$5,000 each. (\$5,000 x 2 devices = \$10,000 each precinct x 2,500 precincts = \$25,000,000 statewide).
- Under the amendment, each county is required to conduct mandatory hand counts of all voter-verified paper ballots in at least three percent of its precincts. The increase in local government expenditures for individual counties is estimated to exceed \$100,000.

- According to the State Coordinator of Elections, the Federal Election Assistance Commission (EAC) has ruled that states with HAVA-compliant systems cannot use HAVA money to replace one compliant system with another compliant system. Until Congress passes legislation mandating a voter-verified paper audit trail (VVPAT) or the EAC reverses its position, Tennessee is prohibited from using HAVA money.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and "W".

James W. White, Executive Director

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