

Minutes
State Election Commission Meeting
July 10, 2017

The State Election Commission meeting was called to order by Chairman Jimmy Wallace at 12:20 p.m., Central Standard Time, July 10, 2017. The following members and staff were present: Chairman Wallace; Commissioners Barrett, McDonald, Wheeler and Younce; Coordinator of Elections Mark Goins and Kathy Summers, Elections Specialist.

Commissioner Younce made a motion to adopt the minutes from June 12, 2017, Commissioner McDonald seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Barrett made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Younce and unanimously approved to accept the nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, July 10, 2017. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.) **(See attached list of appointments made.)**

Old Business

- **Julie Miller – A. F. Rifkin Co – Collapsible Ballot Box and Ballot Bag for all Ballots** – This item was moved to the October 9, 2017, State Election Commission meeting.
- **MicroVote - Infinity 4.1 Update** - Coordinator Goins spoke on behalf of Bill Whitehead. Mr. Whitehead was traveling and was available by phone, if needed. MicroVote sought certification in 2016, but the SEC did not approve the request at that time. The EAC visited MicroVote's manufacturing facility, and they made some recommendations. The EAC has since determined their recommendations have been implemented.

Brian Hancock, Director Testing and Certification, for the EAC and Coordinator Goins recently spoke and the EAC is now comfortable with MicroVote meeting their recommendations.

Coordinator Goins stated there are two (2) different upgrades requested by MicroVote.

- The current equipment utilizes one process which is a software upgrade. This upgrade will be of no cost to the counties. Pursuant to the SEC policy the commission can take letters of recommendation from other jurisdictions on the software upgrade. (Letters of recommendations from other jurisdictions are attached to the minutes.)
- The new equipment, which MicroVote is seeking to certify, has a new processor and this would require a visit to another jurisdiction outside the State of Tennessee.

Commissioner Barrett made a motion to accept the Infinity 4.1 software upgrade and Commissioner McDonald seconded the motion. The software upgrade was unanimously approved. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Discuss the status of county election commission members serving on other paying boards** - Coordinator Goins and Assistant Coordinator Beth Henry-Robertson discussed various options for legislation regarding county election commissioners serving on other paying boards. Coordinator Goins hopes to have suggested legislation at the October 9, 2017, meeting.

New Business

- **TACEO – 2017 Attendance Records** - Ninety-Five (95) current Administrators of Elections and one (1) prior Administrator of Elections were in attendance. (Attendance records are attached to the minutes.)

Commissioner Wheeler made a motion to accept the attendance records and Commissioner McDonald seconded the motion. The motion to approve the attendance records was unanimously approved. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Voting Machine Survey** – Chairman Wallace requested the Elections Division to survey all counties regarding their voting equipment. Not all counties have responded to the survey. A copy of the survey responses will be provided to commission members once completed. (A copy of the survey questions are attached to the minutes.)

- **Adopt Open Records Policy** – Coordinator Goins stated the Legislature mandated each agency to adopt an Open Records Policy. The Secretary of State's office developed a model policy. Coordinator Goins suggested the State Election Commission adopt the Open Records Policy, as prepared by the Secretary of State's office.

Commissioner Younce made a motion to adopt the Open Records Policy as recommended by the Secretary State, Commissioner Barrett seconded the motion and the policy was unanimously approved. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Commissioner Younce** - Commissioner Younce discussed a conversation he had with a county election commissioner in Blount County. The Blount County Election Commission had money appropriated in their 2015/2016 fiscal budget to buy voting machines. The machine the county was looking at buying was pending certification and the county was unable to buy the machines. The appropriated funds for the 2015/2016 fiscal budget went back to the county. The Blount County Election Commission went back before the county commission to request the funds for the 2016/2017 budget, and the voting machine were still not certified. Commissioner Younce wants to know why the process to certify voting machines is so cumbersome and suggested the commission not go out of state to view elections. Commissioner Younce stated equipment and technology is changing rapidly, and the State Election Commission voting machine certification policy needs to be revised to reflect those changes in technology. Both vendors and counties depend on the State Election Commission to approve voting machines.

Chairman Wallace discussed security around voting, voting machines and the integrity of elections.

Commissioner Wheeler discussed the voting machine process and believes the commission is doing exactly what the commission should be doing regarding the certification of voting machines.

Coordinator Goins spoke regarding Commissioner Younce's concerns. Counties are required to go through the competitive bid process when purchasing voting machines. There are five (5) voting machines vendors with approved equipment certified in Tennessee. Coordinator Goins discussed the State Election Commission rules and statutes regarding voting

machines. The policy has always been to go outside of Tennessee to certify voting machines. Coordinator Goins also stated that EAC testing is not the same as a field test of an actual election.

Commissioner Barrett spoke regarding the Voting Machine Committee recommendations. There were three main recommendations that came out of the committee review:

- Allow for in-state field testing with adequate backup in the extraordinary chance of system failure. (Policy / Rules)
- Require recommendation letters to answer specific questions regarding function, etc. (Policy / Rules)
- Perform a validation test or onsite acceptance test in addition to recommendation letters. (Legislation)

Commissioner Barrett stated that no two states have the same process for certifying voting machines. In Tennessee, we allow for multiply vendors. Some states required a fee to certify equipment and in other states, the state election commission chooses the voting equipment to be used statewide.

Coordinator Goins stated the legislation regarding voting machine certification got held up when an amendment was added to the bill. The legislation should be addressed when the General Assembly returns in January.

Coordinator Update

- **Disability Rights of TN** – Coordinator Goins introduced Thomas Hulley, who works with the Disability Rights of TN. Mr. Hulley and his constituency assisted with testing the online voter registration system. Members of Mr. Hulley’s association came up with a few recommendations, and those recommendations have been presented to the online voter registration system vendor.
- **Online Voter Registration System** - The vendor for the online voter registration system is PCC, Technologies. When evaluated, by a team of people, PPC was the lowest in cost and best on functionality. PCC has implemented online voter registration systems in several states.

Chad Colgan and Bobby Gantley of Harp Enterprises, who represent and service TN counties for Hart InterCivic, spoke with the commission. Mr. Colgan discussed the difficulty in finding an out of state observation to certify their voting machine. Difficulties include the timeframe for viewing an election, population requirements, the number and types of offices required by the commission’s rules and regulations. Harp would like to see

changes to the policy and understands legislation is in the process. Harp stated the EAC sees the Verity 2.0 as an upgrade to the Verity 1.0. Verity 1.0 is a paper based machine and Verity 2.0 is a direct record machine. Mr. Colgan would like the State Election Commission to consider the request to certify Verity 2.0 as a request for an upgrade. Letters of recommendation could be provide to the commission for approval.

Coordinator Goins stated he has meet with Harp and Hart InterCivic attorneys and he is reviewing their request with the EAC.

Commissioner Tom Wheeler acknowledged the Chairman of the Tennessee Democratic Party, Mary Mancini, who was in attendance.

Chairman Wallace recognized the attendance of the League of Woman Voters, Debra Gould and Marian Ott.

Commissioner Younce made a motion to adjourn, Commissioner Barrett seconded the motion and was unanimously approved. (Aye votes: Barrett, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

The next regularly scheduled meeting is set for October 9, 2017, and will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3rd floor at 12:00 Noon, Central Standard Time.

The meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Mike McDonald". The signature is written in a cursive, flowing style.

Mike McDonald, Acting - Secretary
State Election Commission

Vacant Status

10-Jul-17

Crockett

D Greg Duckett
R Jimmy Wallace

D

Dickson

D Greg Duckett
R Donna Barrett

R

Hardin

D Greg Duckett
R Jimmy Wallace

D

Tipton

D Greg Duckett
R Jimmy Wallace

D

Total Vacancies: 4

State of Tennessee

State Election Commission
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-1102

Holdover Status

Monday, July 10, 2017

| | | Appointment | Reappointment |
|---------------------------|----------------------------------|-------------|---------------|
| Perry | R Donna Barrett / D Greg Duckett | | |
| | D Lena Jo Kidd | 5/4/2015 | 5/4/2015 |
| Stewart | R Jimmy Wallace / D Greg Duckett | | |
| | D Nellie F. Settle | 4/3/1995 | 5/4/2015 |
| | D Martha A. Vaughn | 4/3/1995 | 5/4/2015 |
| Total Holdovers: 3 | | | |

State of Tennessee



State Election Commission
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-1102

New Appointment Status

Monday, July 10, 2017

| | | Appointment |
|-----------------------------------|----------------------------------|-------------|
| Dickson | R Donna Barrett / D Greg Duckett | |
| | R Chad Murphy | 7/10/2017 |
| Perry | R Donna Barrett / D Greg Duckett | |
| | D Lena Jo Kidd | 7/10/2017 |
| Stewart | R Jimmy Wallace / D Greg Duckett | |
| | D Nellie F. Settle | 7/10/2017 |
| | D Martha A. Vaughn | 7/10/2017 |
| Tipton | R Jimmy Wallace / D Greg Duckett | |
| | D Christopher Brent | 7/10/2017 |
| Total New Commissioners: 5 | | |

2-5-214. Ballot boxes.

(a) The county election commission shall furnish for each polling place and for absentee voting at the commission office, locks and standard ballot boxes made of metal or such other material deemed as safe, durable, and secure by the coordinator of elections and the state election commission.

(b) The coordinator of elections shall prescribe the dimensions for such boxes, making allowance for the differences in numbers of voters using paper ballots at the various polling places.

(c) The county election commission shall prescribe and provide the type of lock and seals to be used.

Acts 1972, ch. 740, § 1; T.C.A., § 2-520; Acts 1985, ch. 78, § 1; 1993, ch. 518, §§ 15, 21; 1994, ch. 859, § 9.

Cross-References. Sealed absentee ballots, § 2-6-311.

Section to Section References. This section is referred to in § 2-6-311.

2-6-311. Absentee ballot boxes — Requirements.

(a) Absentee ballot boxes shall meet the requirements for standard ballot boxes under § 2-5-214, have at least two (2) hasps for locks, and be equipped with baffles so that ballots cannot be removed without unlocking the box.

(b) The ballot boxes shall be locked at the beginning of absentee voting with one (1) lock from a county election commissioner of one (1) party and another lock provided by a commissioner of another party. The commissioners shall retain the keys personally. The boxes may not be unlocked except when the votes are to be counted.

(c) In addition to the locks required in subsection (b), the county election commission shall place two (2) numbered seals on each ballot box at the beginning of absentee voting with one (1) seal placed by a county election commissioner of each party. Such seal numbers shall be recorded by the administrator of elections and certified in duplicate by one (1) commissioner of each party, and the original shall be forwarded by mail immediately to the office of the coordinator of elections and the duplicate shall be filed in the election commission office. The seals may not be broken except when the votes are to be counted. If a seal or seals are broken, the administrator shall immediately attach new numbered seals and certify in writing to the coordinator of elections the numbers and a description of the circumstances necessitating this action.

Acts 1972, ch. 740, § 1; T.C.A., § 2-6-27; Acts 1984, ch. 636, § 2; 1993, ch. 518, §§ 12, 21; T.C.A., § 2-6-127; Acts 1994, ch. 859, § 2.

Compiler's Notes. References to the county "registrar-at-large" and "deputy registrar" have been changed to "administrator of elections" and "deputy", respectively, pursuant to Acts 1997, ch. 558, §§ 21 and 22.

Section to Section References. This section is referred to in §§ 2-7-112, 2-7-114, 2-7-131, 2-20-103.

MicroVote Infinity 4.1

July 10, 2017

Bill Whitehead - MicroVote

- Presented previously before the State Election Commission on July 11, 2016.
- Discussed at January 9, 2017, SEC Meeting.

Letters provided:

- Hendricks Co, IN
 - Clinton Co, IN
 - Jay Co, IN
- Bartholomew Co, IN
 - Huntington Co, IN
- MicroVote – Cover Letter
- EAC – Certification Number

MVTEMS41



United States Election Assistance Commission

Certificate of Conformance



**MicroVote EMS 4.1
(Modification)**

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *2005 Voluntary Voting System Guidelines Version 1.0*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the *EAC Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: MicroVote EMS 4.1 (Modification)

Model or Version: Version 4.1

Name of VSTL: NTS Huntsville

EAC Certification Number: MVTEMS41

Date Issued: July 16, 2015

A handwritten signature in blue ink, appearing to read "D. S. Nelson".

Chief Operating Officer & Acting Executive Director

Scope of Certification Attached



RECEIVED

2016 JUN -2 PM 2: 12

SECRETARY OF STATE
ELECTIONS

Hendricks County Election and Voter Registration
355 S Washington St Suite 218 Danville, Indiana 46122
Phone: 317-745-9455 Fax: 317-745-9452
www.co.hendricks.in.us

May 31, 2016

Dear Mark Goins,

My name is Laura Herzog and I serve as Election Supervisor in Hendricks County, Indiana.

We currently have a fleet of 280 MicroVote Infinity machines that were upgraded to version 4.1 in February of this year.

I am pleased to report we successfully utilized all 280 panels in the May 3rd Primary Election.

In my 22 years in Elections, MicroVote continues to have great customer service and a voting system that never lets us down. Please contact me if you would like more information.

Sincerely,

A handwritten signature in cursive script that reads "Laura".

Laura Herzog
Hendricks County, IN



Sherri N. Crews
Clerk of Clinton Circuit/Superior Courts

265 Courthouse Square
Frankfort IN 46041
(765) 659-6335

May 25, 2016

Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins:

We use the MicroVote Infinity Voting Machines, and have for approximately 11 years. MicroVote is a great company to do business with. I would recommend MicroVote to anyone that is thinking about a great company to do business with.

Primary Election we upgraded to the 4.1 version and was used successfully in Clinton County. We had all the machines upgraded and refurbished. Had many compliments on the machines easiness to use and the clarity of the screen. We had no problems with the 4.1 version at all. And would recommend this version to everyone.

Sincerely,

Sherri N. Crews

Sherri N. Crews

cc: Kathy Summers

RECEIVED
2016 JUN -6 PM 2:15
SECRETARY OF STATE
ELECTIONS



Ellen M. Coats

Clerk of the Jay Circuit and Superior Courts

120 N Court St, Suite 209 Portland, IN 47371 260-726-6915

ATT:

Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

May 27, 2016

To whom it may concern:

Jay County Indiana updated all of our MicroVote panels to version 4.1 for our May 2016 Primary election with great results. The upgrade improved the voting experience for the voters of our county. In the past voters would sometimes have trouble reading the ballot on the panel screens. This year, to the best of my knowledge, we did not have a single voter who was unable to read the ballot on the panel because of the improvement to the screens from the upgrade.

MicroVote, as always, provided excellent customer service and support for all of our questions involved with the upgrade.

Sincerely,

Ellen Coats
Clerk of Jay County
260-726-6915

RECEIVED

2016 JUN 16 AM 10:52
SECRETARY OF STATE
ELECTIONS



JAY PHELPS
BARTHOLOMEW CIRCUIT / SUPERIOR COURT CLERK
234 WASHINGTON STREET
COURTHOUSE P.O. BOX 924
COLUMBUS, INDIANA 47201
(812) 379-1600

May 31, 2016

Mark Goins
312 Rosa Parks Ave
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins,

This letter is to inform you that Bartholomew County has upgraded to version 4.1 of our Infinity voting machines for the 2016 Primary Election, and the results were nothing short of outstanding. We are a vote center county, which means these machines must hold hundreds if not thousands of votes, and they did this without any mechanical issues. We are very pleased with the outcome and will continue standing by this product in the future.

Sincerely,

Jay Phelps
Bartholomew County Clerk
P.O. Box 924
Columbus, IN 47202
(812) 565-5624
Jay.phelps@bartholomew.in.gov

RECEIVED
2016 JUN 16 AM 10:52
SECRETARY OF STATE
ELECTIONS



**The Huntington County
Election Board
P.O. Box 228
Huntington, IN 46750**

**Court House
201 N Jefferson Street
Room 201
P O Box 228
Huntington, Indiana
46750
Phone: 260-358-4820
Fax: 260-358-4880**

May 25, 2016

Mark Goins
312 Rosa Parks Avenue
8th Floor Snodgrass Tower
Nashville, TN 37243

Dear Mr. Goins,

We recently upgraded our MicroVote Infinity panels to the 4.1 version prior to the 2016 Primary Election here in Indiana. We were assured by MicroVote that this upgrade would be a smooth transition and not noticed at all on the "front end".

This was absolutely correct. The MicroVote team showed up in force to handle the upgrade quickly and efficiently. On Election Day the system ran as smooth as always and we achieved yet another successful election.

MicroVote continues to keep us supplied with the best technology and customer service!

Sincerely,

A handwritten signature in cursive script, appearing to read "Pam Fowler".

Pam Fowler
Huntington County Election Deputy

Cc: Kathy Summers

RECEIVED
2016 JUN 16 AM 10:53
SECRETARY OF STATE
ELECTIONS



MicroVote
GENERAL CORP.
ELECTION SOLUTIONS

Mark Goins
312 Rosa Parks Boulevard
8th Floor Snodgrass Tower
Nashville, TN 37243

Mark,

Enclosed you will find letters of recommendation from 4 Indiana Counties that just completed the May Primary Election using the latest version of our Infinity Software and Hardware. Version 4.1

Jay County – Vote Center (Equivalent of 25 Precincts) – 60 Units
Hendricks County – Over 100 Precincts – 255 Units
Bartholomew County – Vote Center (Equivalent of 75 Precincts) – 137 Units
Huntington County – Vote Center (Equivalent of 40 Precincts) – 73 Units

I look forward to seeing you all at the July 11 State Election Commission Meeting.

Regards,

Bill Whitehead
Regional Sales Manager
Tennessee and Kentucky

RECEIVED

2016 JUN 16 AM 10:51

SECRETARY OF STATE
ELECTIONS

PROCEDURES FOR CERTIFYING VOTING MACHINES BY THE TENNESSEE STATE ELECTION COMMISSION

All voting machines/vendors must receive certification from the state election commission and the coordinator of elections before any voting machines or systems may be sold in the State of Tennessee.

First Step:

Any interested vendor should submit a written request to the coordinator of elections and the state election commission requesting certification of your company together with the EAC certification number, a financial report and a list of all states that have already bought your voting machines or systems. If you would like to demonstrate your product at a meeting of the state election commission, please make that request in your letter. You will be notified of the date, time, and place of the meeting where you may make your presentation.

Second Step:

A. Voting Machine Procedure

Following verification of EAC certification and an initial presentation of your product and/or services, you would need to arrange for at least two (2) State Election Commissioners (of opposite parties) and the coordinator of elections (or designee) to view your machines or system in use in an election of a substantial size in another state. An election of a substantial size involves at the minimum the following characteristics:

- The jurisdiction has a population of at least 10,000 persons;
- The jurisdiction has at least two (2) or more district races on the ballots; and
- There are at least two (2) contested races involving both at large and district races on the ballot.

B. Voting Machine Software Systems Upgrade

- EAC Certification;
- Presentation of software upgrade before State Election Commission at a monthly meeting; and
- Viewing of upgrade in another state (In lieu of viewing machine in another state, at the discretion of the State Election Commission, letters of recommendation from users in other jurisdiction may be used as support for approval.)

C. De Minimis Voting System Changes

- Any De Minimis change to an EAC certified voting system shall be submitted to the state election commission and coordinator of elections to be approved. For purposes of approval of the de minimis change to the voting system, all that will be required is a letter from the EAC stating the change is de minimis, unless further information is requested by the state election commission or coordinator of elections.

Third Step:

The State Election Commission must vote to certify the machine in order for the machines to be used in an election in Tennessee.

You may send any correspondence for both the state election commission and the coordinator of elections to the following address:

312 Rosa L.Parks Avenue, 7th Floor
William R. Snodgrass Tower
Nashville, Tennessee 37243
(615) 741-7956

If you have any further questions regarding certification of your company, please feel free to contact the office of the state election coordinator at the phone number listed above.

**2017 – TACEO
Annual Seminar
Attendance Records**

**All 95
Administrators of Elections
Attended**

Excused – None Requested

**Other Currently Certified
Administrators of Elections
Attending
Tammy Smith**

State Election Commission

Voting Machine Survey

Survey Responses were due July 7, 2017.

76 responses received as of July 10, 2017.

Survey Questions

- What is your county name?
- What voting machine does your county currently have in place?
- How many voting machines does your county have currently?
- What year did your county last buy voting machines?
- What price did your county pay per voting machine?
- What year did your county last update your voting machines?
- If your county upgraded machines, what price did your county pay for the upgraded machines?
- What is the cost of your yearly maintenance fee for your voting machines?
- What is your yearly county budget for voting machines and equipment?
- What is your county budgeted allocation annually per voter (average)?
- When is your county looking at buying or upgrading your current voting machines?

PUBLIC RECORDS POLICY OF THE DEPARTMENT OF STATE

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for The Department of State is hereby adopted to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any Tennessee citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Department of State are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Department of State shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the Department of State, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Department of State or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available online at www.sos.tn.gov, and shall be reviewed annually. This Policy shall be applied consistently throughout the various divisions of the Department of State; however it shall not apply to any entity that is administratively attached to the Department of State, including the Bureau of Ethics and Campaign Finance, the State Election Commission, or the Tennessee Sports Hall of Fame. Requestors should contact those entities directly concerning public records requests.

I. **Definitions:**

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.

- B. Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).

- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator (“PRRC”) in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot, by law, be required to be made in writing. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection only may be made orally in person or by phone at 615-741-2819. Requests may be made in writing using the attached Form A to be submitted to the PRRC at the following address:

Office of the Secretary of State
Attn: General Counsel
State Capitol, 1st Floor
Nashville, TN 37243

Requests may also be emailed to SOS.PRRC@tn.gov.

Requests must be directed to the PRRC. Requests made on social media or as comments on websites operated by the Department of State will not be accepted.

- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached Form A to be sent to the PRRC at the following address:

Office of the Secretary of State
Attn: General Counsel
State Capitol, 1st Floor
Nashville, TN 37243

A completed Form A may also be emailed to SOS.PPRC@tn.gov.

- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship, as determined by the PRRC;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Department of State is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy, including:
 - i. The requirement of proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees; and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity.
 - iii. An exemption makes the record not subject to disclosure under the TPRA. The PRRC shall provide the exemption in written denial.

- iv. The Department of State is not the custodian of the requested records; and/or
 - v. The records do not exist.
- c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in the Department of State.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRC is:

General Counsel
Secretary of State's Office
State Capitol, 1st Floor
Nashville, TN 37243
(615) 741-2819
SOS.PRRC@tn.gov

4. The PRRC shall report to the governing authority on an annual basis about the Department of State's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

- 1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC or the OORC.
- 2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then either the PRRC or the applicable records custodian shall, within seven (7) business days from the PRRC's receipt of the request, send the requestor a

completed Public Records Request Response Form which is attached as Form B based on the form developed by the OORC.

3. If a records custodian or PRRC denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
5. If, within a time reasonably close to the original request, a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC or with the Office of Attorney General and Reporter.
2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

- A. There shall be no charge for inspection of open public records.
- B. The location for inspection of records within the offices of the Department of State should be determined by either the PRRC or the records custodian.

- C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

- A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the records custodian or PRRC. Payment will be required prior to production of the records, or prior to production of the records via email to the requestor.
- C. Upon payment for postage and for production costs, copies will be delivered to the requestor's home address by the United States Postal Service if requested.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. When fees for copies and labor do not exceed \$10.00 per requestor per calendar year, the fees may be waived.
- D. Unless otherwise provided by law, fees and charges for copies are as follows:
 - 1. \$0.15 per page for letter- and legal-size black and white copies.
 - 2. \$0.50 per page for letter- and legal-size color copies.
 - 3. Employee labor expense, when time exceeds 1 hour.
 - 4. If an outside vendor is used, the actual costs assessed by the vendor.
- E. Payment is to be made in cash or check payable to the Department of State, and delivered to the PRRC.

- F. Payment in advance will be required when estimated costs exceed \$10.00.
- G. Records requests in excess of four requests per month from the same requestor may be aggregated for computation of expenses.

PUBLIC RECORDS REQUEST FORM (FORM A)

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Department of State
Attn: General Counsel
State Capitol, 1st Floor
Nashville, TN 37243
(615) 741-2819
SOS.PRRC@tn.gov

From: [Insert Requestor's Name and Contact Information (include an address for any TPRA required written response)]

Are you a Tennessee citizen? Yes No

Request: Inspection (The TPRA does not permit fees or require a written request for inspection only¹.)
 Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____ ? If so, initial here: _____

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 Electronic Other:

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

¹ Note, Tenn. Code Ann. § 10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.