



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Election and Voter Registration Records

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Generally, election and permanent voter registration records are open to public inspection. The Tennessee Court of Appeals held, in *Chattanooga Publishing Co. v. Hamilton Co. Election Comm'n*, No. E2003-00076-COA-R3-CV, 2003 WL 22469808, (Tenn. Ct. of App. Oct. 31, 2003), that election records are accessible to the public, unless covered by a confidentiality provision, even when they become part of a TBI investigation, if they were requested prior to the investigation.

There are, however, a few exceptions in State law that make specific types of election records confidential. T.C.A. § 2-11-202(a)(5) protects reports generated as the result of an investigation into potential election law violations. Additionally, Article IV, Section 4 of the Tennessee Constitution provides that all elections, except those made by the General Assembly, "shall be by ballot". The Tennessee Supreme Court, in *Mooney v. Phillips*, 118 S.W. 2d 224, 226, (Tenn. 1938) stated, "the prime objective of constitutional provisions that voting shall be by ballot is to insure secrecy to the voter in expressing his choice as between candidates." Based upon this language, the manner in which a registered voter votes in an election is also confidential.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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