

Amendment No. 3 to HB9002

Lamar  
Signature of Sponsor

**AMEND <SB>**

**House Bill No. 9002\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-201(a)(1), is amended by deleting the last sentence of the subdivision and substituting:

An election for school board members must be conducted on a nonpartisan basis unless the election is declared a partisan election, pursuant to subsection (e). If a person is seeking a position on the school board in a nonpartisan election, then the person shall not campaign as the nominee or representative of a political party.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is amended by adding the following as a new subsection:

(e)

(1) An election for a local board of education must be conducted on a partisan basis if declared pursuant to this subsection (e). If a local board of education election is conducted on a partisan basis, then a person seeking a position on the board may campaign as the nominee or representative of a political party.

(2) A person who resides within the geographic boundaries of the local board of education may file a petition with the county election commission that demands a referendum for a partisan election for the local board of education. The petition must be signed by registered voters who reside within the geographic boundaries of the local board of education in a number equal to at

least eighty-five percent (85%) of the registered voters within the geographic boundaries. Each person signing the petition must sign the person's name, provide the date of signing, and provide the signer's place of residence by street and number or by other customary designation.

(3) A petition must contain a general statement demanding a referendum for a partisan election for the local board of education.

(4) A petition must include a sworn affidavit by the petition circulator stating the number of petition signers, that each petition signature is the genuine signature of the person whose name it purports to be, and that the signatures were made in the presence of the affiant.

(5) Within fifteen (15) days of receipt of the petition, the county election commission shall determine the sufficiency of the petition signatures. The county election commission shall attach a certificate to the petition with the results. If the county election commission determines the petition signatures are:

(A) Sufficient, then, within seven (7) days of such determination, the county election commission shall give notice of the filed petition by publication in a newspaper of general circulation; or

(B) Insufficient, then the person who filed the petition may amend the petition within ten (10) days from the date of the certificate and file the amended petition with the county election commission. Within fifteen (15) days of receipt of an amended petition, the county election commission shall make a sufficiency determination. If the amended petition is still deemed insufficient or if no amended petition is filed, then the county election commission shall attach a certificate to the petition and return the petition to the person who filed the petition. If an amended petition is deemed sufficient, then the county election commission shall provide notice as required by subdivision (e)(5)(A).

(6) A county election commission shall call an election on the question of whether to have a partisan election for a local board of education if the county election commission determines that a petition is sufficient in accordance with subdivision (e)(5). The election on the question must be held during a regular November election, as defined in § 2-1-104. The question must only be posed to voters who reside within the geographic boundaries of the local board of education. The question on the ballot must ask whether the local board of education should be elected in a partisan manner, and the voter must be provided the option to vote "for partisan" or "against partisan". If eighty-five percent (85%) or more of those voting vote "for partisan," then the local board of education must be declared to be partisan elected.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.