

HOUSE BILL 1560

By Mitchell

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to the Fair Elections Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known as the Fair Elections Act.

SECTION 2. Tennessee Code Annotated, Section 2-1-102, is amended by deleting the section and substituting instead the following:

The purpose of this title is to regulate the conduct of all elections by the people so that:

- (1) The freedom and purity of the ballot are secured;
- (2) The opportunity for citizens to vote in elections affecting their community is guaranteed;
- (3) Trust in elections is safeguarded by preventing fraud, intimidation, suppression, disinformation, foreign interference, and voting by those who are ineligible to vote in a particular election or precinct;
- (4) Fairness is ensured by guaranteeing transparent, equitable, and nonpartisan election administration;
- (5) Internal improvement is promoted by providing both a comprehensive and uniform procedure for elections and sound, professional administration of elections; and
- (6) Maximum participation by all citizens in the electoral process is encouraged and supported.

SECTION 3. Tennessee Code Annotated, Section 2-11-101(a), is amended by deleting the subsection and substituting instead the following:

(a) The state election commission shall be composed of nine (9) members.

SECTION 4. Tennessee Code Annotated, Section 2-11-102, is amended by deleting the section and substituting instead the following:

Each member of the state election commission must be at least twenty-five (25) years of age and have been a resident of the state for at least seven (7) years prior to such member's election. No more than three (3) members may be from the same grand division, and each member must have been a resident of the grand division such member represents for at least four (4) years preceding such member's election.

SECTION 5. Tennessee Code Annotated, Section 2-11-103, is amended by deleting the section and substituting instead the following:

(a)

(1) The general assembly shall elect six (6) members of the state election commission. For the members elected by the general assembly, three (3) members must be members of the majority party, and three (3) members must be of the minority party.

(2) The members of the state election commission elected by the general assembly shall elect three (3) additional members of the state election commission. These members are elected without regard to their political affiliation.

(b) Each member to be elected by the general assembly shall first be nominated by a joint senate-house caucus of the members of the party of which such person is a member.

SECTION 6. Tennessee Code Annotated, Section 2-11-104, is amended by deleting subsections (b), (c), and (d) and substituting instead the following:

(b)

(1) The members of the state election commission to be elected by the general assembly are elected by joint resolution of both houses of the general assembly. The election is to take place in the joint session of both houses in which each member of the general assembly is entitled to one (1) vote.

(2) The members of the state election commission to be elected by the members elected by the general assembly are elected by the affirmative vote of five (5) members.

(c)

(1) Elections by the general assembly are held on any date fixed by joint resolution, but must be held prior to the fourth Monday in March of the year of the election.

(2) Elections by the members elected by the general assembly are held at the first meeting of the state election commission after being elected.

(d)

(1) Nomination of members to be elected by the general assembly shall be in accordance with § 2-11-103(b).

(2) The members of the commission elected by the general assembly shall accept nominations for the members to be elected by the commission.

SECTION 7. Tennessee Code Annotated, Section 2-11-105, is amended by deleting the section and substituting instead the following:

(a) For the members of the state election commission elected by the general assembly:

(1) Any person chosen to fill a vacancy must be a bona fide member of the same party as the member such person replaces;

(2) If a vacancy occurs in the membership of the commission at the time when the general assembly is in session, the vacancy may be filled by the general assembly in the same manner as full terms are filled. A person elected to fill a vacancy serves only for the remainder of the unexpired term of the member the person is replacing;

(3) If a vacancy occurs at a time when the general assembly is not in session, the vacancy is filled by the remaining members of the commission. If the remaining members of the commission are not able to agree on a successor to fill the vacancy within thirty (30) days of the time when such vacancy occurs, the secretary of state, the comptroller of the treasury, and the state treasurer, or a majority of those officers shall appoint a person to fill the vacancy. A person selected to fill a vacancy under this subdivision (a)(3) serves only until the next session of the general assembly, when the general assembly must fill the vacancy as if the vacancy had occurred when the general assembly was in session; and

(4) If the general assembly adjourns without filling a vacancy, the vacancy is filled in the same manner as if the vacancy had occurred when the general assembly was not in session.

(b) For the members of the state election commission elected by the commission, a vacancy is filled by the remaining members of the commission. If the remaining members of the commission are not able to agree on a successor to fill the vacancy within thirty (30) days of the time when such vacancy occurs, the secretary of state, the comptroller of the treasury, and the state treasurer, or a majority of those

officers shall appoint a person to fill the vacancy. A person appointed to fill a vacancy under this subsection (b) serves only for the remainder of the unexpired term of the member the person is replacing.

SECTION 8. Tennessee Code Annotated, Section 2-11-112, is amended by deleting the section.

SECTION 9. Tennessee Code Annotated, Section 2-11-201(a), is amended by deleting the subsection and substituting instead the following:

(a) The state election commission shall appoint the coordinator of elections, who serves at the pleasure of the commission and for such compensation as the commission determines.

SECTION 10. Tennessee Code Annotated, Section 2-11-201(c), is amended by deleting the subsection and substituting instead the following:

(c) Subject to the approval of the state election commission and in coordination with the secretary of state, the coordinator of elections may make rules and regulations as necessary to carry out the provisions of the election code. Copies of such rules and regulations must be furnished to the state and county election commissions and to the state and county primary boards.

SECTION 11. Tennessee Code Annotated, Section 2-11-201(d), is amended by deleting the subsection and substituting instead the following:

(d) Subject to the approval of the state election commission and in coordination with the secretary of state, the coordinator of elections may within budgetary limits employ such personnel and enter into such contracts for equipment as may be appropriate for the efficient discharge of the duties of the office.

SECTION 12. Tennessee Code Annotated, Section 2-11-201, is amended by adding the following as a new subsection:

(e) The coordinator of elections shall ensure that information related to elections and voting are available in an easy to read and understand format on the secretary of state's website.

SECTION 11. Tennessee Code Annotated, Section 2-12-101(a), is amended by deleting the subsection and substituting instead the following:

(a) The state election commission shall appoint, on the first Monday in April of each odd-numbered year, four (4) election commissioners for each county, for terms of two (2) years and until their successors are appointed and qualified. At the first meeting of the county election commission after the state election commission appoints the four (4) commissioners, the commissioners will appoint an additional election commissioner. The five (5) commissioners shall be the county election commission.

SECTION 12. Tennessee Code Annotated, Section 2-12-103(a), is amended by deleting the subsection and substituting instead the following:

(a) Of the commissioners appointed by the state election commission, two (2) commissioners shall be members of the majority party and two (2) commissioners shall be members of the minority party.

SECTION 13. Tennessee Code Annotated, Section 2-12-104, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

(b) It is the intent of the general assembly that the county election commission provide the state with fair and impartial data that in no way would benefit any party or candidate so that a citizen is not deprived of the citizen's right to vote. It is the county election commission's duty to ensure that voting in this state is safe, secure, and convenient as practicable for all Tennesseans.

SECTION 14. Tennessee Code Annotated, Section 2-5-205, is amended by deleting the language "secretary of state" wherever it appears and substituting instead the language "coordinator of elections" and by deleting the language "secretary of state's" wherever it appears and substituting instead the language "coordinator of elections's".

SECTION 15. Tennessee Code Annotated, Section 2-13-304, is amended by deleting the language "secretary of state" wherever it appears and substituting instead the language "coordinator of elections".

SECTION 16. Tennessee Code Annotated, Section 2-20-104, is amended by deleting the language "secretary of state" wherever it appears and substituting instead the language "coordinator of elections".

SECTION 17. This act shall take effect upon becoming a law, the public welfare requiring it.