

HOUSE BILL 1640

By Forgety

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 5, Part 1 and Title 54, Chapter 7, relative to challenging qualifications of the chief administrative officer of a highway department.

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

SECTION 1. Tennessee Code Annotated, Section 54-7-104, is amended by adding the following new subsections:

(k) A person may challenge whether a candidate has the required qualifications for chief administrative officer of the highway department, as identified in subsection (g); provided, that the challenge is filed in writing with the Tennessee highway officials certification board no later than twelve o'clock (12:00) noon, prevailing time, on the third day after the qualifying deadline, as determined under § 2-5-101(a).

(l) If a candidate's qualifications are challenged pursuant to subsection (k), the Tennessee highway officials certification board shall:

(1) Notify the candidate of the challenge;

(2) Review and verify the candidate's required qualifications, identified in subsection (g);

(3) Review and verify the candidate's required qualifications and standards under a county's private act, if applicable, pursuant to subsection (h); and

(4) If the Tennessee highway officials certification board determines the candidate does not possess the required qualifications for chief administrative officer of the highway department:

(A) Disqualify the candidate;

(B) Notify the candidate and county election commission of its determination no later than twelve o'clock (12:00) noon, prevailing time, on the seventh day after the qualifying deadline, as determined under § 2-5-101(a); and

(C) Request that the county election commission:

(i) Not print the candidate's name on any ballot; and

(ii) Remove the candidate's name from any printed ballot.

(m)

(1) It is an offense for a person to intentionally file a fraudulent challenge under subsection (k).

(2) A violation of subdivision (m)(1) is a Class A misdemeanor punishable by fine only.

SECTION 2. Tennessee Code Annotated, Section 2-5-101(g)(1), is amended by adding the following as a new, appropriately designated subdivision:

() Is declared disqualified by the Tennessee highway officials certification board pursuant to § 54-7-104;

SECTION 3. This act shall take effect July 1, 2016, the public welfare requiring it.