

HOUSE BILL 2011

By Casada

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 11 and Title 2, Chapter 12, relative to citizen appeals to the state election commission.

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

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 11, Part 1, is amended by adding the following as a new section:

(a) A person may file a complaint against a member of the state election commission or a county election commission alleging neglect of duty or malfeasance.

(b) The complaint must be filed with the chair of the state election commission. The chair shall present the complaint to the commission at the next regularly scheduled meeting of the commission with a quorum present for a preliminary hearing on the complaint.

(c) The chair shall give the interested parties not less than ten (10) days' notice of the preliminary hearing. Each party is entitled to present evidence in support of the respective party's position as to whether sufficient evidence exists to warrant a formal show cause hearing.

(d) After presentation of the complaint and all evidence in support of or against it, the commission shall vote on whether to conduct a formal show cause hearing regarding whether to remove, discipline, or take no action against the member who is the subject of the complaint. If the commission votes to hold a show cause hearing, the commission shall hold an ad hoc meeting within twenty (20) days of the affirmative vote.

(e) If the commission votes to conduct a show cause hearing under this section, the hearing must be conducted in accordance with the contested case provisions of the

Uniform Administrative Procedures Act (UAPA), compiled in title 4, chapter 5; provided, that the hearing must be conducted before the commission rather than an administrative law judge.

(f) If, after a show cause hearing, the commission finds that the member who is the subject of the complaint committed malfeasance or neglect of duty while in office, and the member exhausts all appeals under the contested case provisions of the UAPA, the member's office is immediately vacated and must be filled in accordance with this title.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.