



State of Tennessee

PUBLIC CHAPTER NO. 1

THIRD EXTRAORDINARY SESSION

HOUSE BILL NO. 72

By Mr. Speaker Sexton and Representatives Cepicky, Griffey, Williams, Smith, Moody, Lafferty, Weaver, Sherrell, Cochran, Reedy, Lynn

Substituted for: Senate Bill No. 9

By Mr. Speaker McNally and Senators Bell, Niceley

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, relative to partisan elections for school board members.

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

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

Elections for school board members may be conducted on a partisan or nonpartisan basis. If at least one (1) county primary board of a political party elects to conduct school board elections on a partisan basis, then a person seeking a position on any board in that county may campaign as the nominee or representative of a political party, and political parties may nominate candidates for membership on the board by any method authorized under the rules of the party or by primary election under title 2.

SECTION 2. Tennessee Code Annotated, Section 49-2-201, is further amended by deleting subsection (d) and substituting the following:

(d)

(1)

(A) Primary elections in which candidates nominated for school boards are to appear on the regular August election ballot are held on the first Tuesday in May before the August election. In the years in which an election is held for president of the United States, a political party primary for offices to be elected in the regular August election shall be held on the same day as the presidential preference primary. In such event, the qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

(B) Primary elections in which candidates nominated for school board are to appear on the regular November election ballot are held concurrently with the regular August election. The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(1).

(C) Primary elections in which candidates nominated for school board are to appear on a ballot other than the regular August or regular November election ballot may be held on the first Tuesday in the third month before the election. If the first Tuesday of the third month falls on a legal holiday, the election shall be held on the second Tuesday of the third month before the election. Nothing in this subdivision (d)(1)(C) requires a primary election to be held, political parties may elect to nominate candidates for membership on the board by any method authorized under the rules of the party pursuant to subdivision (a)(1).

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(2) If the date for a primary election falls within ninety (90) days of an upcoming regular primary or general election being held in the jurisdiction, the commission or commissions may reset the date of the primary election to coincide with the regular primary or general election, even though this may be outside of the time period established herein. All dates dependent on the date of the election must be adjusted accordingly and any acts required to be done by these dates must be performed timely if done in accordance with the adjusted dates.

(3) The qualifying deadline for independent and primary candidates is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

(4) If the county executive committee timely filed a notice with the county election commission directing the commission to hold a May primary election in 2022, then within thirty (30) days of the effective date of this act, the county executive committee may file a supplemental notice, in writing, to include school board offices to be elected in the regular August election within the county.

SECTION 3. No later than thirty (30) days after the effective date of this act, a county executive committee may direct, in writing, the county election commission to hold a primary for school board offices to be elected in the regular November 2022 election.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

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PASSED: October 29, 2021



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 12th day of November 2021



BILL LEE, GOVERNOR