

SENATE BILL 405

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title
16; Title 17 and Title 49, relative to partisan
elections.

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

SECTION 1. Tennessee Code Annotated, Section 2-13-208, is amended by deleting the section and substituting instead:

Except as otherwise provided by the Tennessee Constitution and § 17-1-103, an election for state or local public office for which a candidate is duly elected by the citizenry is partisan. Political parties may nominate candidates for state or local public office by using the primary election provisions of this title or as otherwise authorized by the rules of the party.

SECTION 2. Tennessee Code Annotated, Section 6-31-104, is amended by deleting the section.

SECTION 3. Tennessee Code Annotated, Section 17-1-103, is amended by deleting the section and substituting:

(a)

(1) The judges of the supreme court, the court of appeals, and the court of criminal appeals must be elected by the qualified voters of this state in a statewide retention election conducted in accordance with chapter 4, part 1 of this title, and any appointments to fill a vacancy or a full eight-year term must be made in accordance with chapter 4, part 1 of this title.

(2) A judge of the supreme court, court of appeals, or court of criminal appeals standing for election in a retention election shall declare bona fide membership in a political party or independent status at least thirty (30) days prior to the date of the retention election.

(b) The chancellors, circuit court judges, criminal court judges, and judges of a state trial court of record must be elected by the qualified voters of their respective judicial districts in a partisan election, in accordance with title 2, and an appointment due to a vacancy in office must be made in accordance with chapter 4, part 3 of this title.

SECTION 4. Tennessee Code Annotated, Section 2-13-203, is amended by deleting subsection (f).

SECTION 5. Tennessee Code Annotated, Section 2-5-206(e)(2), is amended by deleting the language "nonpartisan".

SECTION 6. Tennessee Code Annotated, Section 16-15-202(b), is amended by deleting the language "nonpartisan basis" and substituting "partisan basis".

SECTION 7. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the last two sentences of subdivision (a)(1) and substituting:

Elections for school board members must be conducted on a partisan basis. A person seeking a position on a school board shall campaign as the nominee or representative of the 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 8. This act takes effect January 1, 2024, the public welfare requiring it, and applies to all elections conducted on and after that date.