

SENATE BILL 2067

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 17,
relative to appellate court judges.

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

SECTION 1. Tennessee Code Annotated, Section 17-4-201, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Section 17-4-114(b)(2), is amended by deleting the subdivision and substituting instead the following:

If the declaration of candidacy is not timely filed, the judge's name shall not be submitted to the electorate.

SECTION 3. Tennessee Code Annotated, Section 17-4-114(c), is amended by deleting the subsection in its entirety.

SECTION 4. Tennessee Code Annotated, Section 17-4-115(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

If the declaration of candidacy is not timely filed, the judge's name shall not be submitted to the electorate.

SECTION 5. Tennessee Code Annotated, Section 17-4-115(c), is amended by deleting the subsection in its entirety.

SECTION 6. Tennessee Code Annotated, Section 17-4-116(a), is amended by deleting the language "or if the judge withdraws as a candidate after receiving a recommendation "for retention" from the judicial performance evaluation commission and filing the required declaration of candidacy" and substituting instead the language "or if the judge withdraws as a candidate after filing the required declaration of candidacy".

SECTION 7. Tennessee Code Annotated, Section 17-4-116(c)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

If a majority or one-half (1/2) of those voting on the question vote to replace the candidate, then a vacancy exists in the office as of September 1 following the regular August election. The governor shall fill the vacancy in the office in accordance with the Tennessee Constitution. The person appointed shall stand for a retention election at the next regular August general election if the person wishes to continue to serve the remainder of any unexpired term or a subsequent full eight-year term.

SECTION 8. Tennessee Code Annotated, Section 17-4-116, is amended by adding the following new subsection:

(e) The judges appointed in 2014 to fill vacancies on the supreme court, the court of appeals, and the court of criminal appeals, whose names were not included on the regular August 2014 ballot, shall, upon filing a timely written declaration of candidacy by no later than twelve o'clock (12:00) noon prevailing time on the first Thursday in May 2016, stand for election in a retention election in the regular August election in 2016.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.