



State of Tennessee
PUBLIC CHAPTER NO. 955

SENATE BILL NO. 3700

By Norris, Ketron

Substituted for: House Bill No. 3471

By Harry Brooks

AN ACT to amend Tennessee Code Annotated, Title 2, relative to recognition as a minor party.

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

SECTION 1. Tennessee Code Annotated, Section 2-13-107(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a)(1) To be recognized as a minor party for purposes of a primary election, a petition as required in § 2-1-104 must be filed no later than twelve o'clock (12:00) noon, prevailing time, on the appropriate qualifying deadline as established in § 2-5-101(a) in the office of the coordinator of elections. The petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association filing the petition to form the recognized minor political party.

(2) To be recognized as a minor party for purposes of a general election, a petition as required in § 2-1-104 must be filed in the office of the coordinator of elections no later than twelve o'clock (12:00) noon, prevailing time, ninety (90) days prior to the date on which the general election is to be held. The petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association filing the petition to form the recognized minor political party.

SECTION 2. Tennessee Code Annotated, Section 2-13-107, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) Upon filing the required petition, candidates seeking to represent the minor party in a primary election must file nominating petitions as any other candidate for the desired office no later than twelve o'clock (12:00) noon, prevailing time, on the appropriate qualifying deadline as established in § 2-5-101(a). If the coordinator of elections determines the petition meets the statutory requirements to be declared a recognized minor party, the candidates seeking to represent such minor party shall be placed on the appropriate primary ballot for such minor party. If the coordinator of elections determines the petition fails to meet the statutory requirements to be declared a recognized minor party, the candidates seeking to represent such minor party shall be placed on the appropriate general election ballot as independent candidates.

SECTION 3. Tennessee Code Annotated, Section 2-13-107(e), is amended by designating the existing language as subdivision (2) and by adding the following language to be designated as subdivision (1):

(1) A recognized minor party must satisfy the requirements of § 2-1-114 no later than June 1 after the May primary elections are held pursuant to § 2-13-203(d) in order for its candidates to appear on the regular August general election ballot. If a recognized minor party fails to satisfy the requirements of § 2-1-114 by the required deadline, its candidates shall appear on the regular August general election ballot as independent candidates.

SECTION 4. Tennessee Code Annotated, Section 2-13-107(f), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(f) If a petition filed pursuant to this section is determined to be sufficient by the coordinator of elections pursuant to subsection (b), such party shall be recognized as a minor party for all remaining primary and general elections in the current election year. To maintain recognition beyond the current election year, a minor party must meet the requirements of a

statewide political party as defined in § 2-1-104. A recognized minor party who fails to meet such requirements shall cease to be a recognized minor party. Such party may regain recognition only by following the procedures for formation of a recognized minor party. The coordinator of elections shall advise each county election commission of a recognized minor party's failure to receive a sufficient number of votes and shall order that said party cease to be recognized.

SECTION 5. Tennessee Code Annotated, Section 2-13-202, is amended by deleting the words "Political parties" and by substituting instead the language "Statewide political parties".

SECTION 6. Tennessee Code Annotated, Section 2-13-203(a), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(a)(1) Statewide political parties may nominate their candidates for any office other than those listed in § 2-13-202 by any method authorized under the rules of the party or by primary election under this title.

(2) Recognized minor parties may nominate their candidates for any office by any method authorized under the rules of the party or by primary election under this title.

SECTION 7. Tennessee Code Annotated, Section 2-13-203(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c) Persons nominated other than by primary method for offices to be filled by the voters of more than one (1) county, for state or federal office or for statewide office, shall be immediately certified to the coordinator of elections by the chair of the nominating body. The coordinator of elections shall thereafter certify such nominees to the county election commissions in each county in which the nominees are candidates by the qualifying deadline.

SECTION 8. Tennessee Code Annotated, Section 2-13-203(d), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(d)(1) If a statewide political party decides to nominate by primary election under this section, the county executive committee shall, at least sixty (60) days before the qualifying deadline, direct, in writing, the county election commission of each county whose voters are entitled to vote to fill the office to hold the election.

(2) If a nonrecognized minor party seeking recognition as a recognized minor party decides to nominate by primary election under this section, the officers of the nonrecognized minor party shall file a notice with the coordinator of elections of its intent to nominate by primary election by twelve o'clock (12:00) noon, prevailing time, by the qualifying deadline established in subdivision (d)(1). The notice shall be in writing and shall be signed by two (2) officers with authority to act for the party. The notice shall be notarized and contain the following statement:

We _____, and _____, officers of the _____ Party certify under penalty of perjury that we are authorized to act for the _____ Party.

(3) Primaries, if any, for nominating candidates for any office which will appear on the regular August election ballot shall be held on the first Tuesday in May before the August election. In the years in which an election will be held for president of the United States, a political party primary for offices to be elected in the regular August election may be held on the same day as the presidential preference primary. In such event, the qualifying deadline for candidates and for delegate-candidates shall be twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

SECTION 9. Tennessee Code Annotated, Section 2-5-101(f), is amended by deleting subdivision (3) and (4) and substituting instead the following language:

(3) No person defeated in a primary election or party caucus shall qualify as an independent for the general election.

(4) No candidate in a party primary election or party caucus may appear on the ballot in a general election as the nominee of a different political party or as an independent.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 3700

PASSED: April 25, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2012



BILL HASLAM, GOVERNOR