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Chapter VII - Elections

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Elections - Historical Notes

Districts - Reapportionment

The acts listed below have affected the civil districts in Davidson County, but are no longer operative regarding elections.

1. Acts of 1897, Chapter 297, changed the boundary between the Tenth and Thirteenth Districts of Davidson County so that the main line of the N. and C. and St. Louis Railroad divided into two districts.
2. Acts of 1901, Chapter 207, amended the Acts of 1897, Chapter 297, above, by changing the District boundaries in the area of Charlotte Pike and Cedar Street.
3. Acts of 1905, Chapter 110, redistricted the County from twenty-four Civil Districts to fourteen Civil Districts. All election precincts would remain as they were.
4. Acts of 1907, Chapter 245, amended Acts of 1905, Chapter 110, above, by changing the boundary of the First Civil District (Nashville) in several localities. Several of the changes were necessary because of annexations to the City of Nashville.

Elections

The following is a listing of acts for Davidson County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1796 (Mar. Sess.), Chapter 10, provided for two Representatives to be sent to Washington, one from the Holston District made up of Washington and Hamilton Districts and one from the Cumberland District which contained the Mero District of which Davidson County was a part. The manner of conducting the election and counting the votes was prescribed in the act.
2. Acts of 1796 (July Sess.), Chapter 4, named the persons in each District of Tennessee whose duty it would be to elect an elector from their respective District which elector would vote in the election of President and Vice President of the United States.
3. Acts of 1798, Chapter 16, divided Tennessee for representation in the General Assembly which would be composed of twelve Senators and twenty-four Representatives. Four Senators and eight Representatives were allotted to each of the Washington, Hamilton, and Mero Districts. In Mero District, Davidson County would have one Senator and three Representatives; Sumner County, one Senator and three Representatives; and Robertson and Montgomery Counties would elect the others. Davidson County would have two Senators in 1799 and Robertson and Montgomery Counties would elect one Senator together.
4. Acts of 1799, Chapter 46, provided that three Presidential Electors would be elected in Tennessee and this act named the people in each county who would meet and choose the three Electors. James Robertson, and Joseph Hooper were appointed from Davidson County.
5. Acts of 1803, Chapter 24, separated Tennessee into five Presidential Electoral Districts, the Fifth District being made up of the counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford and Dickson. The elections for the Electors would be held on the first Thursday and Friday in November, 1804.
6. Acts of 1805, Chapter 64, recited that the enumeration of free taxable inhabitants of the State to be made by the counties had not been done as directed and the State must be apportioned according to the Constitution, The required apportionment was to be achieved based on the tax bills for 1804. Thirteen Senators and Twenty-six Representatives were to be elected. Davidson County would elect one Senator and one Representative along.
7. Acts of 1807, Chapter 74, divided the State into five Presidential Electoral Districts. The Fifth District contained the counties of Davidson, Robertson, Montgomery, Stewart, Dickson, Williamson, Maury, Rutherford, Bedford, and Hamilton.
8. Acts of 1809, Chapter 1, declared that the Sheriff would hold an election in every county in the State on the last Thursday and Friday in April, 1809, to elect three Representatives to the United States Congress, one each from the Washington and Hamilton Districts and one from the combined Mero, Winchester, and Robertson Districts. The Polls in the latter will be counted in Nashville.
9. Acts of 1812, Chapter 5, created eight Presidential Electoral Districts in the State. The Sixth District was made up of the Counties of Davidson, Rutherford, and Bedford. Polls would be

counted in the Sixth District at Jefferson in Rutherford County after the election on the first Thursday in November.

10. Acts of 1812, Chapter 27, separated the State into six U.S. Congressional Districts, and assigned the Counties of Williamson, Bedford, Lincoln, Davidson, and Rutherford to the Fifth District.
11. Acts of 1812, Chapter 57, reapportioned Tennessee for the composition of the General Assembly, creating twenty Senatorial Districts and forty Representative Districts. Davidson County would elect one Senator and two Representatives.
12. Acts of 1819, Chapter 5, authorized and established three new election precincts in Davidson County. One precinct was located at the house of Abner Driver, one at Shelton's on the dividing ridge between Stones River and Mill Creek, and one at Pardue's old place at the head of White's Creek.
13. Public Acts of 1819, Chapter 69, apportioned Tennessee for representation in the General Assembly. Of the twenty senators, Davidson County, Williamson County, and Dickson County jointly would elect one Senator and Davidson County alone would elect two Representatives.
14. Public Acts of 1822, Chapter 1, divided the State into eight U.S. Congressional Districts. The Seventh District contained the Counties of Davidson, Williamson, and Rutherford.
15. Public Acts of 1823, Chapter 47, separated Tennessee into eleven Presidential Electoral Districts. The Seventh District was made up of the Counties of Rutherford, Davidson and Wilson. Votes would be counted and compared at Franklin in Williamson County.
16. Public Acts of 1824, Chapter 1, was a duplicate of the Public Acts of 1823, Chapter 47, above.
17. Public Acts of 1826, Chapter 3, apportioned the representation in the Tennessee General Assembly. Davidson County would elect one Senator and one Representative alone.
18. Public Acts of 1827, Chapter 17, created eleven Presidential Electoral Districts in Tennessee of which the Seventh District contained the counties of Davidson, Williamson, and Rutherford. Each District would elect one Presidential electors.
19. Acts of 1832, Chapter 4, provided for thirteen U.S. Congressional Districts in Tennessee and allocated Davidson and Wilson Counties to the Seventh District.
20. Public Acts of 1832, Chapter 9, created fifteen Presidential Electoral Districts in the State. Sumner and Davidson Counties formed the Eighth District. The procedures for holding elections and tabulating the votes were set forth in the act.
21. Public Acts of 1833, Chapter 71, allotted Davidson County and Wilson County together one of the twenty State Senators. The polls would be compared at the house of James Williamson in Wilson County. Davidson and Wilson Counties formed one Representative District and together would elect three Representatives.
22. Public Acts of 1833, Chapter 76, called for a Constitutional Convention for the State. Sixty delegates would be elected on the first Thursday and Friday in March under the regular election laws and those so elected would assemble in Nashville on the third Monday in May to alter, revise, or amend the Constitution or form a new constitution for the State. The district containing the Counties of Rutherford, Bedford, Maury, Williamson, Davidson, and Wilson, would elect twelve delegates, two from each County.
23. Public Acts of 1833, Chapter 94, set up two additional election precincts in Davidson County, one precinct at the house of Dennis Dozier and the other at the house of Absalom Gleaves. Each precinct would be operated under the same laws, rules, and regulations as the other existing precincts.
24. Public Acts of 1835-36, Chapter 39, provided for fifteen Presidential Electoral Districts in the State. Sumner and Davidson Counties constituted the Eighth District. The voters of each District would choose one resident of the District to represent them as elector.
25. Acts of 1839-40, Chapter 79, declared that each U.S. Congressional Districts would constitute a Presidential Electoral District for the purpose of choosing electors for the Presidential election of 1840.
26. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the State for representation in the General Assembly into twenty-five Senatorial Districts and fifty Representative Districts. Davidson County alone would elect one Senator two Representatives. Voters were to be counted at the courthouse in Nashville.
27. Acts of 1842 (2nd Sess.), Chapter 7, divided Tennessee into eleven U.S. Congressional Districts. The Eighth U.S. Congressional District contained the counties of Davidson, Smith, and Sumner.

28. Acts of 1851-52, Chapter 196, divided Tennessee into ten U.S. Congressional Districts. The Seventh District contained the counties of Davidson, Robertson, Montgomery, Stewart, and Dickson.
29. Acts of 1851-52, Chapter 197, apportioned the State for election of the members of the General Assembly. Davidson County alone would elect one Senator and two Representatives. The voters of Davidson County would elect one Representative with Robertson and Montgomery Counties with the votes being counted at Springfield in Robertson County.
30. Public Acts of 1865, Chapter 34, was a Post Civil War Act which formed eight U.S. Congressional Districts in Tennessee. The Counties of Williamson, Davidson, Wilson, Sumner, Robertson, and Cheatham formed the Fifth District.
31. Public Acts of 1866-67, Chapter 36, Section 3, declared that the registration of voters in Davidson County pursuant to the Franchise Act of 1866 to be null and void and declared that any person attempting to vote by virtue of any certificate issued pursuant to the act would be guilty of a misdemeanor.
32. Public Acts of 1866-67, Chapter 45, authorized the Register of Voters and the Sheriff to open the polls in each of the wards in the City of Nashville.
33. Public Acts of 1871, Chapter 147, apportioned the State for representation in the General Assembly based on the 1870 Federal Census figures. Davidson County would elect one of the twenty-five State Senators and four of the fifty Representatives.
34. Acts of 1872 (Ex. Sess.), Chapter 7, divided the State into nine U.S. Congressional Districts. The Fifth District contained the counties of Robertson, Cheatham, Davidson, Sumner, Wilson, Trousdale, and DeKalb.
35. Public Acts of 1873, Chapter 27, increased the number of U.S. Congressional District in the State from nine to ten and reassigned counties accordingly. The Sixth Congressional District was made up of the counties of Davidson, Cheatham, Dickson, Humphreys, Stewart, Houston, and Montgomery.
36. Public Acts of 1881 (Ex. Sess.), Chapter 5, established the number of State Senators in the General Assembly at thirty-three, and the number of Representatives at ninety-nine.
37. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State Senatorial and Representative Districts to conform to the new compensation of the General Assembly. Davidson County alone would elect one Senator and would share another with Cheatham County. Davidson was allotted five of the ninety-nine Representatives.
38. Public Acts of 1882 (Ex. Sess.), Chapter 27, returned the State to ten U.S. Congressional Districts but rearranged the counties because of shifts in the population, reflected in the 1880 Federal Census. The Sixth U.S. Congressional District was to contain the counties of Davidson, Robertson, Cheatham, Montgomery, Stewart, Humphreys, and Houston.
39. Public Acts of 1890, Chapter 24, applies to counties having 70,000 inhabitants or more and to cities have 9,000 or more inhabitants. The act required counties and cities to furnish printed and numbered ballots for use in elections. The ballots were to contain the names of all legitimate candidates, and the names were to be grouped according to office. A blank space for each office was required for write-in votes. The act set forth a procedure for the preparation and distribution of the ballots. Election Commissioners were required to prepare guides for voting and to instruct election offices. Provision was made for lost ballots, disabled voters, and penalties for violation of election laws.
40. Public Acts of 1890, Chapter 25, set uniform rules and procedures for voter registration in counties having 70,000 or more inhabitants and in cities having 2,500 or more inhabitants. In these counties and cities, each qualified person was required to register in order to vote. The Governor would appoint three member Commissioners of Registration for each of the counties included within the act. These commissioners would serve without pay. They would appoint two Registrars for each ward if they county had wards and for each precinct if not.
41. Public Acts of 1891, Chapter 131, established ten U.S. Congressional Districts in the State. The Sixth District contained the Counties of Davidson, Robertson, Cheatham, Montgomery, Stewart, Humphreys, and Houston.
42. Public Acts of 1891, Chapter 223, amended Public Acts of 1890, Chapter 25, above, by making the act applicable in Counties having 50,000 or more in population.
43. Public Acts of 1891, Chapter 224, amended Public Acts of 1890, Chapter 25, above, by changing the population figures to make the act applicable to counties with a population of 50,000 or more,

and by granting the Commission of Registration the authority to appoint one of the three judges and one of the two clerks of elections in every ward and precinct in the counties to which the act applied. County Courts, Mayors, and Boards were divested of the authority to appoint more than two judges, or clerks.

44. Public Acts of 1891, Chapter 225, amended Public Acts of 1890, Chapter 24, above, by making the act applicable to all counties that had a population of 50,000 or more, but the population standard for cities remained at 9,000.
45. Acts of 1891 (Ex. Sess.), Chapter 10, was the next reapportionment of the State for the General Assembly. Davidson County would elect two Senators, one each in the Sixteenth and Seventeenth Senatorial Districts. Davidson County would also elect seven Representatives and share a floater with Cheatham and Robertson Counties.
46. Acts of 1891 (Ex. Sess.), Chapter 12, amended Public Acts of 1890, Chapter 25, above, to make it applicable to all counties with a population of 50,000 or more, according to the 1890 Census. The act repealed Public Acts of 1891, Chapter 223, above.
47. Acts of 1901, Chapter 12, made all the laws which governed the general elections in counties having a population of 90,000 or more applicable to the primary elections in those counties. Saloons were required to close only during the hours of the primary election. The Executive Committee of the party would supply a ballot for the primary elections and each candidate was allowed to have a watcher at each poll. The Executive Committee would designate the hours during which the polls would be open. A supplemental registration was to be held by the County Registrars. Violations of the election laws were declared felonies. The act provided that payment of the poll tax was not required for voting in primary elections.
48. Acts of 1901, Chapter 109, divided Tennessee into ten U.S. Congressional Districts and assigned the Counties of Davidson, Robertson, Cheatham, Stewart, and Montgomery to the Sixth U.S. Congressional District.
49. Acts of 1901, Chapter 122, was the last reapportionment of Tennessee for the General Assembly for over sixty years. Davidson County would elect two Senators, one each in the Sixteenth and Seventeenth District. The voters would elect six Representatives. Davidson and Wilson Counties jointly would elect one Floterial Representative.
50. Acts of 1907, Chapter 422, provided that all laws that were applicable to elections in general would be applicable to all primary elections in Davidson County. Saloons would be closed only during actual polling hours. All the duties of election officials would be precisely the same as for other elections. The Executive Committee of the party holding the election would prepare a suitable ballot at least three days prior to the election. The Registrars for general elections would serve in all primary elections. Provisions were included in the act for the counting of the vote, for run-off elections, and for the payment of election expenses.
51. Private Acts of 1917, Chapter 690, fixed the rate pay of the officers, judges, clerks and registrars of all legal elections and registrations held in Davidson County at \$3.00 per day.
52. Private Acts of 1923, Chapter 549, was passed by the General Assembly on the same day and in conjunction with Private Acts of 1923, Chapter 689, below. The act recognized that the Davidson County Democratic Executive Committee had been abolished; therefore, it created a new political body by the same name and with the same function. It would be composed of the ward chairman and vice chairman who would be elected by the voters in a special election held on May 10, 1923. To hold the election, the act re-created the Davidson County Democratic Primary Board, the old one also having been abolished. The Board would be composed of five citizens appointed by the three Circuit Judges and the two Chancellors of Davidson County. After the special election, the Board would consist of five members of the Democratic Executive Committee. The Committee was required to hold an election to replace itself every two years during the regular biennial primary and failure to do so would act to vacate its offices and in such case, the Primary Board was required to hold an election.
53. Private Acts of 1923, Chapter 689, recited that in Davidson County the incumbent Executive Committee of the Democratic Party, elected in 1916 for a term of two years, was still in office and had no apparent intention of calling an election for their successor committee to be elected as the law required. The act abolished the Democratic Executive Committee and terminated its office. The Democratic Primary Board was also dissolved.
54. Private Acts of 1923, Chapter 704, declared that Registrars who held regular registrations in Davidson and Shelby Counties would be paid \$2.50 a day for their services. Each officer, judge, clerk, registrar, or marker who held any regular election where the polls stayed open until 7:00

- p.m.. would be paid \$3.00 a day, if they worked in a poll which closed at 4:00 p.m. the pay would be \$2.00 per day.
55. Private Acts of 1925, Chapter 118, stated that the hours of registration for all voters in Davidson County would be from 8:00 a.m. until 8:00 p.m. for both the general and supplemental registrations. Compensation for the Registrars would be \$5.00 per day and the registration period would be five days, every two years.
 56. Private Acts of 1927, Chapter 738, provided that all laws in force and applicable to the holding of general elections in counties with 90,000 in population would apply to and govern the primary elections in Davidson County. All officers for each election precinct, ward or district, in all primary elections would be the same number as required to hold regular elections and their responsibilities would be precisely the same. They would be appointed by the governing committee of the party holding the election and take the same oath. Rules were established for the ballots, for the qualifications of the candidates, and for the orderly conduct of the election. Requirements for a Poll Tax would not apply in primary elections. The act was held unconstitutional on the grounds that it was not properly and constitutionality passed by the House and Senate because of procedural irregularities. Fugu v. Davidson County, 189 Tenn. 645, 227 SW2d 12 (1950).
 57. Private Acts of 1929, Chapter 587, amended the general law, Acts of 1859-60, Chapter 75, to provide that the polls in Davidson County would open at 9:00 a.m. and close at 7:00 p.m. instead of closing at 4:00 p.m. as required under the 1859-60 act.
 58. Private Acts of 1943, Chapter 23, authorized the Quarterly County Court of Davidson County to redefine and establish registration and voting precincts in the respective districts of the County and in the wards of the City of Nashville.
 59. Private Acts of 1943, Chapter 245, amended Private Acts of 1923, Chapter 549, above, by adding at the end a provision that the membership of the Davidson County Democratic Executive Committee, elected after the passage of this act, would be entitled to the following vote in the proceedings of the Davidson County Democratic Executive Committee: Ward Chairman and Vice Chairman in the City of Nashville's seven wards, four votes each; District Chairman and Vice Chairman of the districts of the County, one vote each.
 60. Private Acts of 1943, Chapter 307, stated that all persons, otherwise entitled to vote in municipal elections of the City of Nashville, would be entitled to vote in those elections without having to pay the poll tax assessed against them. The act was repealed in 1945.
 61. Private Acts of 1945, Chapter 26, established a system of permanent registration of voters in Davidson County in place of biennial registration. The details of procedure for setting up and maintaining such a system were contained in the act. Provisions was made for the purging of voters under certain conditions and for holding elections in the precincts.
 62. Private Acts of 1945, Chapter 377, amended Private Acts of 1943, Chapter 23, above, by directing the Quarterly County Court of Davidson County establish, as one of the registration and voting precincts in the 6th Civil District, a registration and voting precinct at or near the intersection of Antioch Road and Nolensville Road in the district.
 63. Private Acts of 1945, Chapter 561, repealed Private Acts of 1943, Chapter 307, above.
 64. Private Acts of 1945, Chapter 598, amended Private Acts of 1945, Chapter 26, above, by adding a provision that a voter could register and vote in any precinct in the ward of his residence. Several other minor amendments were contained in this act concerning precautions to be observed in the voting by blind people, some changes in the registration card form, and applications for and handling of absentee ballots.
 65. Private Acts of 1945, Chapter 612, amended Private Acts of 1923, Chapter 549, by changing the membership of the Democratic Executive Committee of Davidson County so that each district would be represented on the Committee by a Chairman and a Vice Chairman and each Ward would be represented by four Chairman and four Vice Chairman, each to have one vote. The Executive Committee was authorized to fill to fill the positions created by the act until the next election was held.
 66. Private Acts of 1949, Chapter 336, amended Private Acts of 1927, Chapter 738, above, by deleting Section 11 from the act and adding a provision that all expenses for and incidental to the holding of primary elections would be borne by the county in which the said elections were held. The act was declared unconstitutional along with the act it amended. Fugua v. Davidson County, 189 Tenn. 645, 227, SW2d 12 (1950).
 67. Private Acts of 1949, Chapter 346, amended Private Acts of 1927, Chapter 738, above, by declaring that all primary elections held under the provisions of the act were required to take

- place not less than thirty days nor more than ninety days prior to the date of the regular biennial General August election.
68. Private Acts of 1949, Chapter 359, amended Private Acts of 1945, Chapter 26, above, by allowing people who moved from one precinct to another to re-register from the new address by mail after having filled out the form set up in the act.
 69. Private Acts of 1953, Chapter 216, declared that in all general elections in Davidson County, the polls shall be opened at 7:00 a.m. Standard Time and closed 9:00 p.m. Standard Time.
 70. Private Acts of 1955, Chapter 119, stated that in Davidson County, the county would pay the costs of the primary elections in all the voting precincts, the cost of transporting the ballot boxes or voting machines to and from the polls, and the cost of advertising the said election in the newspapers. The act applies to the primary elections of any of the political parties whose members cast at least twenty percent of the total votes cast in the County election immediately preceding the primary. The act was not approved locally and did not become effective.
 71. Private Acts of 1955, Chapter 390, authorized Davidson County to appropriate public funds, not to exceed \$1,500 in any two year period, to facilitate the operations of the Davidson County delegation to the General Assembly through the acquisition of space for a headquarters and for clerical assistance. The act was not approved locally and did not become law.
 72. Private Acts of 1957, Chapter 400, amended Private Acts of 1953, Chapter 216, above, by changing the closing times for the polls in Davidson County from 9:00 p.m. to 7:00 p.m.
 73. Private Acts of 1959, Chapter 81, amended Private Acts of 1955, Chapter 390, above, by authorizing Davidson County to appropriate public funds to be expended for facilitating the operations of the Davidson County Delegation in the General Assembly through the acquisition of space for a headquarters and for professional and clerical assistance, and other necessary expenses. This act was not approved locally and did not become effective.
 74. Private Acts of 1985, Chapter 85, amended Private Acts of 1923, Chapter 549, above, by changing the time set by the amended statute for election of the Davidson County Democratic Executive Committee from the regular biennial general Democratic primary to the May county primary, beginning May, 1986.

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