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## Chapter VII - Elections

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Dear Reader:

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

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<b>Chapter VII - Elections .....</b>	<b>3</b>
<b>Civil Districts .....</b>	<b>3</b>
<b>Private Acts of 1945 Chapter 45 .....</b>	<b>3</b>
<b>Primary Elections .....</b>	<b>3</b>
<b>Private Acts of 1933 Chapter 759 .....</b>	<b>3</b>
<b>Voting Registrations .....</b>	<b>6</b>
<b>Private Acts of 1947 Chapter 684 .....</b>	<b>6</b>
<b>Elections - Historical Notes .....</b>	<b>12</b>

## Chapter VII - Elections

### Civil Districts

#### Private Acts of 1945 Chapter 45

**SECTION 1.** That Hamilton County is hereby divided into three civil districts to be designated First Civil District, Second Civil District and Third Civil District, respectively. The First Civil District shall embrace all the territory now included or which may be hereafter included within the corporate limits of the City of Chattanooga, the county site of said County and now constituting the First Civil District of Hamilton County.

The present Second Civil District of said County is hereby abolished.

The Second Civil District, created by this Act, shall contain all that territory South and East of the Tennessee River which lies North and East of the corporate limits of the City of Chattanooga, together with all that territory lying and being in what was formerly James County.

The Third Civil District shall include all that territory lying South of the Tennessee River which lies Southwest of the corporate limits of the City of Chattanooga which now comprises the territory of the voting precincts of Lookout Mountain, Grandview and Wauhatchie, together with all that territory North and West of the Tennessee River not in the corporate limits of Chattanooga, and the same shall constitute and be the Third Civil District of the County.

**SECTION 2.** That the three justices of the peace and the two constables now serving from the First Civil District shall continue to represent the First Civil District in the performance of their official duties until the expiration of their terms of office.

**SECTION 3.** That J. M. Poe and Joe F. Bork, each being a resident of the Second Civil District of said County as hereby created, shall serve as justices of the peace from said Civil District, and said individuals, being in all respects qualified, are hereby named and designated as justices of the peace for said Second Civil District and shall serve in such position until September 1, 1946. H. L. (Hoss) Brown, a resident of the Second Civil District in said County, as hereby created, is hereby named and designated as constable of said Second Civil District and he being in all respects qualified shall perform the duties of such position until September 1, 1946. Successors to the parties hereby appointed shall be elected at the August election 1946.

**SECTION 4.** That Hoyt Selcer and G. Russell Brown, each being a resident of the Third Civil District of said County as hereby created, shall serve as justices of the peace from said Third Civil District, and said individuals, being in all respects qualified, are hereby named and designated as justices of the peace for said Third Civil District and shall serve in such positions until September 1, 1946. Alf Windham, a resident of the Third Civil District in said County, is hereby named and designated as constable of the said Third Civil District as hereby created and he, being in all respects qualified, shall perform the duties of such position until September 1, 1946. Successors to the parties hereby appointed shall be elected at the August election 1946.

**SECTION 5.** That all Acts in conflict with the provisions hereof are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 23, 1945.

### Primary Elections

#### Private Acts of 1933 Chapter 759

**SECTION 1.** That a primary election, within the meaning of this Act, is an election held within any of the counties of this state having a population of not less than 159,000 and not more than 200,000 by the Federal Census of 1930, or any subsequent Federal Census, or within any district or sub-division of said counties, as the case may be, by the members of any political party or by voters of same political faith, for the purpose of nominating candidates for judicial, county and district offices, within said counties to be elected by the voters of said county at the regular biennial August election; provided that one poll list shall be returned to the County Court Clerk and the other to the Chairman of the Governing Committee.

**SECTION 2.** That all primary elections held in said counties, by the various political parties, shall be held and conducted in the same form and manner and under the same requirements as are or shall be

provided by law for holding of regular state elections, except in such particulars as are herein excepted. Provided, however, that only a political party casting 30% of the total vote for the county official receiving the highest number of votes in the last preceding general election of the county in which such primary election is proposed may be held and conducted hereunder.

As amended by: Private Acts of 1963, Chapter 269

**SECTION 3.** That any act or deed pronounced an offense by the general laws of the State concerning elections shall also be made an offense in all primary elections, and shall be punished in the same form as is provided for the punishment of similar offenses by the general laws; and all the penalties and provisions of the general laws shall apply in such cases with equal force, and shall be as effective as though fully set out in this Act.

**SECTION 4.** That whenever it shall be desired by the committee or governing authority of any political party to hold a primary election under the provisions of this Act, said committee or governing authority shall, at least thirty days prior to such primary election, give public notice thereof by posting such notice at the court house door and at one or more public places in each ward or district in the county in which election is to be held, or by publication in a newspaper, once a week for at least two weeks prior to said primary. Such notice shall state the date of such proposed primary election, the hours between which it will be held, the offices for which candidates are to be nominated, and the places at which polls will be opened at such primary election.

**SECTION 5.** That all persons who are legal voters shall have the right to participate in such primary elections, subject to such additional qualifications as may be prescribed by the committee or governing authority.

**SECTION 6.** That in all counties, districts, wards or precincts, all legal electors, or who will be legal electors at the regular election at which the candidate is to be voted for, shall have the right to vote at any primary election held by any political party if they conform to the conditions and qualifications prescribed by the committee or governing authority of the political party having direction and control of such primary, by applying at the polls of the precinct in which they reside and making known the fact that they conform to such conditions and qualifications as have been so prescribed. In case the officers of such primary election be in doubt as to the right of any person to vote, such person shall be sworn by the judges of election and examined as to his right to vote. Any bystanders may also challenge the right of any person to vote, and in all such cases such person whose right to vote is so challenged shall be sworn and examined as hereinbefore set forth.

**SECTION 7.** That the officers for each election precinct, ward, or district in all primary elections held under the provisions hereof, shall be the same number as is required and designated by law to hold regular State elections, and their duties and responsibilities shall be precisely the same as those of legally appointed and regularly qualified officers of regular State elections. They shall be appointed by the regularly organized and constituted committee or governing authority of the political party holding such primary election, and shall, before entering upon the discharge of their respective duties, take the same oath required to be taken by officers of regular State elections. The officers in each primary election precinct, ward or district, shall be selected from [sic] list furnished by the ward or district committeemen at least ten days before such primary election, and shall be as nearly equally divided as possible as to judges, clerks and officers among the various candidates. The officers of all primary elections held under the provisions hereof, shall have the same power and privileges as officers of regular State elections, and shall be subject to the same restrictions, limitations and conditions. Any act or deed denounced by general law as an offense in the case of officers of regular State elections is hereby declared to be an offense in the case of officers of such primary elections and shall be punished in the same form and manner as is prescribed by general law.

**SECTION 8.** That any person desiring to submit his name to the voters in a primary election shall, not later than thirty days next preceding the holding of such primary election, apprise the committee or governing authority of the political party holding such primary of the fact that he is a candidate, and upon complying with the conditions prescribed by the committee [sic] or governing authority for the regulation of candidates, shall be declared to be a candidate by the committee or governing authority of such political party; and any person who has not given such notice to the committee or governing authority, or who has not complied with the conditions prescribed by the committee or governing authority for the government of candidates, shall not have his name printed on the ballots used in such primary election; but any person desiring to vote for another than the persons whose names are printed on such ballots shall have the right to do so by writing the name of the person for whom he desires to vote in the space on the ballot set apart for the names of the candidates for such office as he may desire such person so voted for to hold.

**SECTION 9.** That within such time as is provided by law in the case of State elections and in the same

manner, the election returns in all primary elections shall be deposited with the committee or governing authority of the political party under whose direction and control such primary election was held, at such place as the committee or governing authority shall designate at which to receive such returns, and any person who shall change or in anywise alter such returns, shall be punished in the same form and manner as is provided by general law for the punishment of any person who changes or in anywise alters the returns of a regular State election.

**SECTION 10.** That the duly authorized and constituted committee or governing authority in the county or district in which a primary election may be held hereunder, is hereby empowered to count the votes received by all candidates in such primary elections, and to declare the candidate or candidates, in cases where candidates for more than one office are to be nominated, receiving the highest number of votes the nominee of such political party for the office for which he was voted for at such primary election. In all cases of a tie vote or contest the committee or governing authority of the political party holding such primary election shall have the power to hear and determine such contest and decide who shall be entitled to the nomination. In case there be more than two candidates for nomination to any office voted for in said primary, and no one candidate receives a majority of the votes cast at said primary election, then the committee or governing authority of the political party holding such primary election can, if it sees fit, order for the two candidates receiving the highest number of votes, a run off to determine the party candidate for said office; provided, however, [sic] if this Section of the law is to be taken advantage of, it must be made known when the primary election is called. The proceedings in such cases shall be in such form and manner as the committee or governing authority shall determine upon. Before entering upon the discharge of the duties set forth in this Act, the committee or governing authority shall be sworn by some officer authorized by law to administer an oath to faithfully and honestly discharge the duties herein imposed, and the failure upon the part of any member of the committee or governing authority to discharge such duties faithfully and honestly, shall be deemed a misdemeanor, and the persons so offending shall, upon indictment and conviction in the Circuit or Criminal Court of the county or district, be fined not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars, and be imprisoned in the county jail not less than sixty days nor more than one year.

**SECTION 11.** That all expenses for holding such primary election shall be borne by the political party holding same, and the costs of publishing and circulating notices of election, and all other expenses including all expenses incurred by reason of any supplemental registration that may be ordered shall be defrayed in such manner as may be provided by the committee or governing authority of the political party holding such primaries. Provided, however, that all expenses for holding such primary election and the costs of publishing and circulating notices of such primary election, and all other expenses, including all expenses incurred by reason of any supplemental registration that may be ordered, in excess of \$5,000 where there are candidates for not more than ten public offices, or in excess of \$10,000.00 where there are candidates for more than ten public offices in such primary election, shall be paid out of the general or available funds of the county where such primary election is held, and the political party holding such primary election may withhold out of funds contributed to it for the purpose of paying the expenses of holding such primary election such funds as the executive committee or governing authority of the political party holding such primary election may direct for the purpose of payment of expense of such party executive committee or governing authority.

As amended by: Private Acts of 1963, Chapter 269

**SECTION 12.** That the provisions of the Act shall apply to all primary elections held for the purpose of nominating candidates for judicial, county and district offices, within said counties, to be elected by the voters of said counties at the regular biennial August election hereafter held in said counties.

**SECTION 13.** That each of the candidates voted for at any election held under the provisions of this Act shall be entitled to an inspector of count, and for that purpose may appoint in writing an inspector of count to be present and witness the casting and count of the ballots in said election in each voting place in the district, ward, or county wherein said election is held, and said inspector shall have free access to the polling places during the progress of said election; provided, if there be more than five and less than ten candidates, any two of said candidates shall jointly appoint one inspector; if there be more than ten candidates and less than twenty, then any three of said candidates shall jointly appoint one inspector and for all over twenty, then any four of said candidates shall jointly appoint such inspector. It shall be the duty of the judges on the close of the polls to admit to the count of the vote as inspector any person as herein provided who submits to them an appointment in writing from any candidate or candidates. Any person presenting to the judges of said election an appointment in writing from any candidate or candidates at the close of the polls as aforesaid, shall be permitted to be present and witness the count of the ballots, and any judge or officer of election who shall prevent such authorized inspector to be present at the count of the ballots shall be guilty of a misdemeanor, and shall, upon indictment and conviction in the Circuit or Criminal Court, be fined not less than \$100 nor more than \$500.

**SECTION 14.** That the committee or governing authority of the political party holding such election shall designate in the public notice required to be given of said election the hours between which said election shall be held; provided, no election shall be held before the hour of 9 A. M. and not later than 7 P. M. in the different wards and districts of counties affected by this Act.

**SECTION 15.** That if any part of Chapter 759, Private Acts of 1933 be found illegal or unconstitutional, then the remaining sections and provisions thereof would have been enacted with such illegal or unconstitutional part omitted therefrom, and shall continue in full force and effect.

As amended by: Private Acts of 1963, Chapter 269

**SECTION 16.** That this Act shall take effect from and after its passage, the public welfare requiring it.

**SECTION \_\_\_\_.** *Be it further enacted,* That all primary elections held under the provisions of this Act in any calendar year shall be held on the same day.

**COMPILER'S NOTE:** Private Acts of 1963, Chapter 269, which specifically amends Sections 2, 11 and 15 of this act, contained the an amendment that was not given a section number. Therefore, it has been designated "Section \_\_\_\_."

Passed: April 18, 1933.

## Voting Registrations

### Private Acts of 1947 Chapter 684

**COMPILER'S NOTE:** This act may have been superseded by Tennessee Code Annotated title 2, chapter 2.

**SECTION 1.** That, in order to stimulate greater interest and participation in all elections, to facilitate the voting processes by doing away with the present burdensome periodic registration, to insure the freedom and purity of the ballot box by preventing plural and fraudulent voting, all Counties of the State of Tennessee having a population of not less than 180,000 nor more than 181,000 inhabitants according to the Federal Census of 1940, or according to any subsequent Federal Census, are exempted from the operation of Sections 1996 to 2026 inclusive of the 1932 Official Code of the State of Tennessee; the laws established by such Code provision shall be inapplicable in said Counties and the registration of voters in such Counties shall be on a permanent basis as provided hereinafter.

#### REGISTRATION IS PREREQUISITE TO VOTING

**SECTION 2.** That, in addition to the other requirements of law, each voter shall be registered as herein provided before being allowed to exercise the elective franchise in any election, including municipal and nominating primary elections, hold in any Civil District, ward or votng [sic] precinct.

#### PLACE OF REGISTRATION

**SECTION 3.** That voters are entitled to be registered only in the voting precinct in which they maintain actual or legal residence; provided that for the purpose of voting in any municipal election in which voting is authorized on property qualification, a voter not otherwise qualified to vote in such election may be registered on property qualifications in any one of the voting precincts wherein such voter may own property, but such registration shall be valid only for municipal elections; and, provided further, that a voter may at the time of the registration register in any voting precinct in the ward in which he lives or maintains legal residence, whether or not it be in the precinct in which he lives or maintains residence, and he shall be required to vote in the precinct in which he registered, but if at any time he should desire to change his registration to another precinct in the same ward without changing his legal residence, he may do so by applying to the Election Commission twenty (20) days prior to the election in which he desires to vote, to have his registration card transferred to the new precinct.

#### REGISTRATION PERMANENT

**SECTION 4.** That registration of voters shall be continuous or permanent so that when a voter has been registered it will be unnecessary thereafter for such voter to reregister [sic] except in those cases in which the voter either:

- (a) changes residence either by moving within a voting precinct or by moving to another voting precinct;
- (b) changes name by marriage or otherwise;
- (c) neglects the elective franchise by failing to vote in at least one general or primary election during six

successive calendar years;

(d) loses the legal right to vote by a Court judgment.

#### THOSE ENTITLED TO REGISTER; EFFECTIVE DATES OF REGISTRATION

**SECTION 5.** That all persons qualified to vote under existing laws at the date of application for registration, including those otherwise qualified who will arrive at the legal voting age by the date of the next succeeding election following the application to register, and those otherwise qualified who have lived in the State for twelve (12) months and in the County in which they apply for registration six (6) months by the date of the next succeeding election, and also those otherwise qualified who have had any disability to vote removed by the date of their application to register shall be entitled to be registered as voters under the provisions of this Act, provided, however, that any registration or re-registration hereunder shall be ineffective to entitle a registrant to vote in any election until such registration or re-registration has been in effect for twenty (20) days from the date hereof.

#### TERMINATION AND CANCELLATION OF REGISTRATION

**SECTION 6.** That the registration of any person hereunder shall become void whenever such person either:

- (a) moves from the residence in which registered to a new residence either within or without the voting precinct, unless such person has transferred her or his registration to the new address as herein provided, or
- (b) changes name by marriage or otherwise, or
- (c) neglect to vote in a general or primary election for six (6) successive calendar years, or
- (d) loses the right to vote by Court judgment, or
- (e) dies.

When a registration is terminated, it is the duty of the Registrar and the County Election Commission to cancel the registration of such persons by endorsing on the face of the registration records at the name of such person that the registration is terminated as of a certain date and the reason for termination.

Any person whose registration shall have been terminated, cancelled or become void, shall be entitled to re-register provided he is otherwise eligible.

#### REGISTRATION PERIODS

**SECTION 7.** That,

- (a) The first registration under the provisions of this Act shall take place in each voting precinct for ten successive days, Sunday excluded, beginning the first Tuesday in the month of August, 1947. It shall be the duty of the Registrars for each voting precinct on the day designated for the registration herein to open an office for the registration of voters in some convenient place in each voting precinct and to keep such office open from ten o'clock A.M. until seven o'clock P.M. for the purpose of registering voters who appear in their own proper person before said Registrars.
- (b) In addition, any person entitled to register or re-register may be registered by the County Election Commission at its office in the County Seat and for the purposes of permitting such registration or re-registration each County Election Commission shall have an office in the County Courthouse which shall be open for business during the regular hours of business maintained in other County offices at such times, and shall conduct its business therein, performing the other duties required of the Commissions, and that the County Election Commissioners may employ at Registrar-at-Large and as many Deputy Registrars-at-Large as may be necessary for the County who is authorized to act for the Commissioners of Election in issuing, cancelling, correcting, copying and replacing permanent registrations and the forms relating thereto.

As amended by: Private Acts of 1949, Chapter 427

- (c) The County Election Commission shall upon petition of twenty-five (25) citizens of any voting precinct, provide a one, two or three-day registration period, in the discretion of the Election Commission, for the residents of that voting precinct within sixty (60) days from receipt of the petition and at least 30 days before an election, provided said petition is filed 45 days before an election, notice to be given of said supplemental registration by posting of three notices in said precinct; one notice shall be posted where registration is to be held.

As amended by: Private Acts of 1949, Chapter 427

#### COMMISSIONERS OF ELECTION SHALL APPOINT REGISTRARS; COUNTY SHALL PAY FOR REGISTRATION

**SECTION 8.** That it shall be the duty of the Commissioners of Election in each County to appoint Registrars of voters for each voting precinct, for the ten (10) day initial registration, to designate the place

in each voting precinct at which the Registrars shall maintain their offices on the days of registration, to requisition through the County Purchasing Agent and furnish the Registrars with the required registration books, stationery and forms at the expense of the respective Counties, all of which purchases shall be made by the County Purchasing Department, and said Commissioners shall certify the necessary expenses of registration, together with other costs, to the County Judge or Chairman, who shall issue his warrant on the County Treasury to pay for the same. The Commissioners of Election and the Registrars shall be held accountable as custodians for the registration books, stationery and forms hereinafter provided for.

A majority of the Commissioners of Election shall have full power to act in all matters concerning registration of voters and at least fifteen (15) days prior to every election shall appoint two (2) registrars of voters for each voting precinct, both of whom shall be residents of the ward, district or precinct, in which they are intended to serve, and not more than one of whom shall be from the same political party.

#### NOTICE OF FIRST REGISTRATION

**SECTION 9.** That it shall be the duty of the Commissioners of Election to give at least ten (10) days notice of the time and place of the first registration to be held under the provisions of this Act in some newspaper published in the county wherein such registration is to be held.

#### PERMANENT REGISTRATION FORMS

**SECTION 10.** That,

(a) Permanent registration forms for the registration of voters shall be prepared and supplied by the Commissioners of Election in sufficient quantities to enable all eligible voters to register. Such form shall consist of an equal number of original forms one color and duplicate forms of another color, provided, however, the original forms may be printed in one color and the duplicate forms printed in another color. Each set of original and duplicate registration forms shall be serially numbered and one or both of such forms shall be suitable for locking in a loose-leaf binder, and shall be in such size as the Commissioners of Election shall see fit, so as to contain the information hereinafter required concerning each applicant for registration.

As amended by: Private Acts of 1949, Chapter 427

(b) Space shall be provided on both the original and the duplicate [sic] forms at the top for the word "original" on the original forms and the word "duplicate" on the duplicate form to be followed immediately below by the words "Permanent Registration" on both forms, which shall contain the following information concerning each applicant for registration.

1. The full name, including middle initials, if any. In the case of a man, the name shall be prefixed by the word "Mr." and in the case of a woman the name shall be prefixed by the words "Mrs." or "Miss".

2. The place of residence and street address, including the number of house if numbered; if not numbered, then a designation of its location and if not, the owner thereof, the name of the owner or landlord. If the applicant resides at a hotel, apartment or boarding house, or institution, such additional information may be included as may be deemed necessary to give the exact location of the applicant's place of residence.

3. The applicant's statement that he is 21 years of age or over, that he is a citizen of the United States and of the State of Tennessee, and that he will have resided in the State of Tennessee for at least one year and in the County for at least six months immediately preceding the next general election, all of which shall be indicated by the word "yes".

4. Whether he is a native born citizen or a citizen by naturalization, and the date of birth.

As amended by: Private Acts of 1949, Chapter 427

5. Applicant's color.

6. Whether the applicant is married or single.

7. His vocation.

8. The signature in person or by mark of the applicant; provided, however, that if the applicant is totally disabled so that he cannot write or make his mark, the Registrar or County Election Commissioner may sign for such applicant. That if the person cannot write or make his mark the reason for said person's inability to sign his name shall be stated and a description of said person showing his height in feet and inches, the color of the eyes, the color of hair and any distinguishing marks or features, shall be noted on said application.

9. Immediately above the space for the signature of the applicant shall be printed these words: "I, being duly sworn on oath (or affirmation) depose and say that to the best of my knowledge and belief the foregoing statements made by me are true and correct."



10. The filing date of the application and the signature of Registrar or other person authorized to register the voter, together with the authority of such person for taking the affidavit, and the signature of the other Registrar, if registration is effected in the voting precinct.

For the purpose of taking affidavits of applicants for registration, the Registrars, Registrar-at-Large and Deputy Registrar-at-Large and the Commissioners of Election are empowered to administer oaths to applicants. That said form shall contain such space to provide for subsequent changes of address or removal of such applicant from one precinct to another, and as many spaces shall be provided as the Commissioners of Election shall designate.

As amended by: Private Acts of 1949, Chapter 427

Space shall also be provided wherein there may be stamped or written the date of each election in which the elector participates.

The County Election Commission is hereby given express authority to prescribe the exact forms and wording of both sides of the cards to be used to effectuate and carry out the purposes of this Act.

#### FILING REGISTRATION FORMS

**SECTION 11.** That the original and duplicate forms when filled out shall be filed in the office of the Commissioners of Election, the original form filed alphabetically as to the County as a whole in either filing cabinets or locked binders and the duplicate forms in locked binders containing all registrants in the voting precinct for use in the polling places on election day. The precinct binders shall be arranged in order by street names and numbers where street names and numbers are in use. In other instances the precinct binders shall be arranged in alphabetical order.

The original permanent registration forms shall not be removed from the office of the Commissioners of Election except upon the orders of a Court of competent jurisdiction, and shall be kept posed from the duplicate permanent registration forms. The duplicate copy of the permanent registration form shall be used by the Registrars in the polling places at elections.

The permanent registration forms shall be the official record of a person's eligibility to vote in any election.

#### REGISTRARS TO ATTEND ELECTIONS

**SECTION 12.** That, on the day of election, the Registrars of each voting precinct shall attend at the place of holding said election with the duplicate permanent registration volume, or volumes, for said precinct, which shall be evidence of registration and they shall occupy a place inside the polling precinct and the Registrars shall keep one of the poll books provided in each election and as such voter appears and requests a ballot, he shall be requested to sign an individual poll sheet requesting a ballot which shall be placed by the clerks of the election on a post binder in addition to the poll books kept by each clerk and such post binder and individual poll sheets signed by the voters shall constitute an additional poll book for the use of the Election Commission in completing the permanent registration record of each voter as to the elections in which he participated; the Election Commission to determine the exact forms of such individual poll sheet, but which shall in addition to the request for ballot be punched for the binder posts and contain at the top a line after the abbreviation No.; and one of the clerks of election shall place thereon the number which shall be the same as that of the ballot which is given to the voter and which shall be filled in an appropriate places provided thereon in the hand-writing of the voter with his name and address, and if such voter is unable to write, then his name and address shall be placed thereon by one of the Judges or Officer of Election, who shall attest thereto as witness by signing his name as such thereon, having the voter touch the pen or indelible pencil with which such poll sheets are to be filled in, as such witness makes the voter's mark near the name of such voter, and such individual poll book when completed shall bear the same oaths on a sheet provided for that purpose as to its correctness as that provided on other poll books under the election laws applicable to the respective elections and said individual poll sheets shall be placed by the clerks of the election on the post binders provided for each precinct by the Commissioners of Election, in numerical order according to the number of each ballot issued to the voters, with the oath certifying as to its correctness placed on top of such poll, and the Registrar shall thereupon compare the signature made by the applicant for ballot with that on the permanent registration card as a means of identifying the voter. The applicant for ballot shall answer any other questions pertinent to satisfying the Registrar as to his identity. If the signature and identity of the applicant to vote does not compare with the permanent registration records, then the Registrar shall challenge his vote and he shall be referred to the judges of election, who shall be the exclusive judges as to the eligibility of the voter and the procedure shall be followed as provided in the general election laws pertaining to balloting and elections. If, upon comparison of the signature or other identification, it is found that the applicant is entitled to vote, then the Registrar shall authorize the person having charge of the ballots to hand the voter a ballot, which ballot shall show the voter is entitled to vote, as provided in the general election law. The Registrar shall make an entry in the voting record space of the registration card to indicate the applicant has voted.

As amended by: Private Acts of 1949, Chapter 427

#### COMPENSATION OF REGISTRARS

**SECTION 13.** That for each day's attendance during the various registration periods and for attendance at the polls, the Registrars shall be compensated in the same amount as other election officials, each to be paid out of the County Treasure on the warrant of the Judge or Chairman of the County Court upon the certification of the account by the Commissioners of Election, provided, that the compensation herein provided may be increased by the action of the City Council in any County. In case of municipal elections, the compensation of the Registrars shall be paid by the municipality for which said election was held.

As amended by: Private Acts of 1949, Chapter 427

#### AFFIDAVIT AS TO CORRECTNESS OF REGISTRATION BOOK

**SECTION 14.** That at the end of any period of registration, the Registrars shall make affidavit before any officer in their County authorized by law to administer oaths on a form provided by the Commissioners of Election as to the correctness of their registration and that they have in all respects in conducting such registration complied with the provisions of this Chapter. This affidavit shall be filed with the Election Commission when the permanent registration forms are returned to it.

#### OATH OF REGISTRARS

**SECTION 15.** That, before entering upon the performance of any duties pertaining to their offices, each Registrar shall take and subscribe to the following oath upon a form supplied by the Commissioners of Election:

"I do solemnly swear (or affirm) that I will faithfully and impartially keep the register of voters in my voting precinct, that I will not knowingly register or allow to be registered any person not a legally qualified voter and that I will not knowingly prevent any person from registering who is a legally qualified voter, so help me God."

#### DENIAL AND CHALLENGE OF REGISTRATION

**SECTION 16.** That if the Registrars do not permit an applicant for registration to register or are divided as to the applicant's right of register, said applicant shall not be registered; provided, however, any applicant denied registration shall be entitled to apply to the Commissioners of Election for registration upon any day upon which the office of the Commissioners of Election is open and obtain the ruling of the Commissioners of Election as to his right to be registered, and from an adverse decision of the Commissioners of Election, the applicant shall have the right to pursue his right at law.

#### REFUSAL OR INABILITY OF REGISTRARS TO ACT

**SECTION 17.** That, in case of the temporary absence of a duly appointed Registrar on any of the days fixed for registration of election, from sickness or other cause, the Commissioners of Election shall select a person from the political party to which such Registrar belongs, to act for and in the stead of the absent Registrar during such temporary absence, provided, however, that said temporary Registrar shall subscribe to the oath undertaken by regular Registrars before entering upon the duties required.

#### DIVISION OF VOTING PRECINCTS

**SECTION 18.** That, if any voting precincts shall be divided after coming under the provisions of this Chapter, it shall be the duty of the Commissioners of Election to separate the duplicate registration forms in the binders of the old precinct according to the residences of the respective registrants and provide new binders for the new voting precinct, restoring to the old binders the duplicate registration forms of those registrants who remain in the old voting precinct.

#### PRIMARY ELECTIONS

**SECTION 19.** That, when primary elections are held on the same day as general elections, the Commissioners of Election shall furnish to the primary election officials of each party and at each polling place a certified copy of the names of all persons registered in such precinct for use in determining the qualifications of those who may offer to vote in such primary. Space shall be provided on each certified list for the primary officials to enter the primary ballot number of each registrant who votes in such primary opposite the registrant's name. Immediately after the election, the primary election officials shall return this certified list to the Commissioners of Election, who shall enter the primary ballot number together with an indication of the primary in which the registrant has voted upon the voting record of each registrant on the permanent registration form of each registrant.

#### CUSTODY OF REGISTRATION BOOKS

**SECTION 20.** That, between registration periods and the elections and until the next election or registration period, the permanent registration forms shall be kept by the Commissioners of Election for safekeeping and said Commissioners shall be held responsible for the same as the case of other public

records. Any entries on permanent registration forms signed by the Registrant and the Registrars shall be prima facie evidence of the truth thereof and any such statement shall be admissible evidence in the Courts of this State without further attestation when presented by the Commissioners of Election in response to a subpoena.

#### CRIMINAL OFFENSES, FINES AND IMPRISONMENT

**SECTION 21.** That it shall be a criminal offense against the laws of this State for any person to register or to have his name registered as a qualified voter under this Chapter when he is not entitled to vote; to vote or attempt to vote on a certification of registration or permanent registration form issued to some one other or otherwise than the person voting or offering to vote for the same; to procure or induce any other person to register or be registered as a voter, such person not being legally qualified as such; to induce or procure any other person to vote or attempt to vote on any registration certificate or permanent registration form issued to another or otherwise than the person voting or offering to vote on the same; to alter, to change, forge or counterfeit or procure the same to be done by another, any of the registration forms or books provided for in this Chapter; to issue, circulate, or in any way use, or attempt to use any fraudulent certificate of registration or permanent registration form, the same not having been regularly issued by duly appointed and legally qualified Registrars or Commissioners of Election as provided for in this Chapter; to wilfully and knowingly vote or attempt to vote on a registration which has not been in effect twenty (20) days prior to the day of the election; and for any Registrar to wilfully without cause refuse to register any legally qualified voter for any person to knowingly and wilfully make any statement which is materially false in any application for registration or in any affidavit required under this Chapter. Any person convicted of any of the aforesaid offenses shall be fined not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars; or be confined in the county jail not less than Thirty (30) days nor more than Eleven (11) months and twenty-nine (29) days, or both, in the discretion of the Court; and, upon conviction, it shall be part of the judgment of the Court that such person shall be deprived of the right to vote, or to hold office under the laws of this State for the term of three years from the date of such conviction.

#### CONSTITUTIONALITY OF ACT

**SECTION 22.** That, if any section, paragraph, or sentence of this Act be held unconstitutional for any reason, it is the expressed intent of the Legislature that such holding shall not invalidate any other portion of this Act in that the same would have been enacted [sic] without such section.

#### EMPLOYMENT OF PERSONNEL

**SECTION 23.** That the Commissioners of Elections in each County are empowered to incur such expenses as are necessary to the execution of this Act and to employ such personnel in addition to a Registrar-at-Large as is required to execute it. The expenses incurred therefor shall be paid from County funds upon certification of a majority of the Commissioners of Elections to the County Judge. No more personnel shall be employed by said Commissioners of Elections than is necessary, with the salaries to be approved by the County Council or other governing body of the County. But should said County Council or other governing body of the County fail or refuse to approve such salaries of number of personnel that may be considered reasonable by a majority of the Commissioners of Elections, any of the Circuit, Chancery or Criminal Courts of such County shall have jurisdiction to hear and determine upon petition of the Commissioners of Elections, and by order fix, the number of persons to be employed under this Act, and fix the amount of their salaries to be paid from County funds.

As amended by: Private Acts of 1949, Chapter 427.

#### PROVISION FOR THE TRANSFER OF REGISTRATION

**SECTION 24.** That all persons who shall have registered under the provisions of this Act and thereafter changed their residence, either within or without the precinct, ward or district where registered, shall not be qualified to vote in any election thereafter held without having first re-registered, either by person application at the registration office or by sending in a signed request to the registration office. The form for the application should contain spaces for the name in full with instructions to print or write very plainly, the old and new addresses in detail, the date of removal to the new address, and the signature. Transfer of electors who are unable to sign their names can be made only upon personal application at the registration office where they may be identified by use of the personal description data on the registration record. The application for transfer may be received up until the close of registration and not afterwards, except for voters who have moved after the close of registration and who are legally qualified to vote from the new address.

**SECTION 25.** That the action of the Election Commission in heretofore or hereafter issuing an Information Card to each voter upon original registration or re-registration or change of address is hereby authorized and ratified in such form as may be prescribed by such Election Commission and shall contain

among other things the date of such registration or reregistration [sic] or change of address, the name, address, weight, color and age of the voter, bearing the same Serial Number as the Permanent Registration Card of such voter, with a statement of when the registration terminates, and upon changes of address a form to fill in to obtain registration at new address of voters who are able to sign their names. However, this card shall not be considered as legal evidence of eligibility to vote, but as information only, or as a means of assistance to the Registrars in locating the voter's registration.

As amended by: Private Acts of 1949, Chapter 427

**SECTION 26.** That this Act shall take effect from and after the first day of July, 1947, the public welfare requiring it.

Passed: March 10, 1947.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Hamilton County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 162, Section 3, detached the tenth civil district of Bledsoe County and the first and second civil districts of Marion County to be attached to Hamilton County.
2. Private Acts of 1857-58, Chapter 5, designated the former tenth civil district of Bledsoe County, which was attached to Hamilton County by Private Acts of 1856, Chapter 162, above, to be the fifteenth civil district of Hamilton County. Section 2 of this same act designated the former first and second civil districts of Marion County to be the sixteenth and seventeenth civil districts, respectively, of Hamilton County. The justices of the peace and constables for these districts were to continue to act for the areas in Hamilton County.
3. Private Acts of 1857-58, Chapter 122, Section 9, established an additional civil district for Hamilton, known as the fifteenth civil district, giving the exact boundaries of same.
4. Private Acts of 1859-60, Chapter 86, Section 5, gave a metes and bounds description of the new seventeenth civil district and also provided for the district to have two justices of the peace and one constable to be elected at the next general election, which the sheriff was directed to conduct. Until the officials, above, were elected, the justices and constable of the fifth civil district were to preside.
5. Public Acts of 1867-68, Chapter 36, Sections 2 and 3, changed the boundary line between the fifth and seventeenth civil districts of Hamilton County by means of a detailed description set forth therein, and placed that area in and under the jurisdiction of the law and chancery courts of Chattanooga.
6. Acts of 1905, Chapter 3, reorganized the county into six civil districts in lieu of twenty civil districts, but left the twenty school districts as they were at the time. Generally the changes were, (1) the fourteenth civil district became the first civil district; (2) the second, third, sixteenth, and part of the first civil districts, as described, became the second civil district; (3) the eighth, eleventh, twelfth, and thirteenth, plus the remainder of the first civil districts became the third civil district; (4) the fourth, seventeenth, nineteenth, and twentieth civil districts became the fourth civil district; (5) the fifth, ninth, and fifteenth civil districts became the fifth civil districts; and (6) the sixth, seventh, tenth, and eighteenth civil districts constituted the new sixth civil district.
7. Acts of 1907, Chapter 248, amended the 1905 act, above, so as to make the City of Chattanooga the first civil district of the county, and assigned the fifth and tenth civil districts, minus those portions of same that were embraced by the limits of the City of Chattanooga, to the fifth and sixth civil districts, respectively.
8. Acts of 1909, Chapter 448, again amended the 1905 act, taking a described portion of the sixth civil district and adding it to the first civil district. This act was repealed entirely by Private Acts of 1911, Chapter 279.
9. Private Acts of 1911, Chapter 235, created the seventh civil district in Hamilton County, which was split off from the third civil district; further, the act provided for the election of two justices of the peace and one constable for the new district, which election was to be held by the election commissioners.
10. Private Acts of 1911, Chapter 279, specifically repealed Private Acts of 1909, Chapter 448, above, restoring to the sixth civil district that area previously taken from it and added to the first civil

district.

11. Private Acts of 1917, Chapter 438, divided the county into three civil districts. The City of Chattanooga was to be the first civil district; that area in the county outside of the City of Chattanooga and south and east of the Tennessee River was to be the second civil district; and the area in the county lying north and west of the Tennessee River was to be the third civil district. Each district was to have two justices of the peace and one constable, except Chattanooga, which was to have three justices and two constables.
12. Private Acts of 1929, Chapter 510, amended Private Acts of 1917, Chapter 438, Section 2, by adding some area to both the second and third civil districts in the county, and by designating the area which was formerly James County to be the fourth civil district.
13. Private Acts of 1941, Chapter 253, redistributed the county into two civil districts: the first civil district being in the incorporated limits of the City of Chattanooga, and the second civil district being all the area outside the city limits. Districts two, three, and four were abolished as they were formerly set up, and all conflicting acts were repealed.

### **Elections**

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

1. Public Acts of 1819, Chapter 69, provided that the counties of Rhea, Hamilton and McMinn were to jointly elect one state representative; further, Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton and McMinn counties composed one election district for the purpose of electing one senator to the general assembly, and the polls were to be compared at Kingston.
2. Public Acts of 1822, Extra Session, Chapter 1, divided the State of Tennessee into districts for the election of representatives to the congress of the United States. Hamilton County was placed in the third congressional district, along with Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, McMinn and Monroe counties.
3. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice-president of the United States. The fourth district was composed of Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe counties, and was to elect one elector. The sheriff or other returning officers of the fourth district counties were to meet at Washington, Rhea County, for comparing the votes and certifying the person elected.
4. Public Acts of 1824, Chapter 1, was and did, in essence, the same as the previous act.
5. Public Acts of 1826, Chapter 3, was an act to apportion the representation in the general assembly of Tennessee. The counties of Roane, Morgan, Rhea, Hamilton, Bledsoe and Marion composed one election district, and were to elect one senator. The counties of Rhea and Hamilton were to elect one representative, jointly. The returning officers of the district were to meet at Washington, in Rhea County.
6. Public Acts of 1827, Chapter 17, also divided the state into eleven electoral districts for electing electors of president and vice-president. The fourth district was composed of the counties of Rhea, Bledsoe, Marion, Hamilton McMinn and Monroe, and was to elect one elector. The sheriff, or other returning officers of the fourth district were to meet at Washington, in Rhea County, for the comparing of the votes.
7. Acts of 1829-30, Chapter 138, Section 2, required sheriffs or returning officers of Rhea and Hamilton counties to meet at the Town of Washington, in the county of Rhea, to compare votes for representative on the Saturday immediately following the election. They were also to notify by certificate the person who was elected.
8. Public Acts of 1832, Chapter 4, divided the State of Tennessee into congressional districts and placed the following counties in the fourth district: Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe and Marion counties.
9. Public Acts of 1832, Chapter 9, divided the state into fifteen districts for the purpose of choosing electors, one from each district, to vote for the president and vice president of the United States. The counties of McMinn, Rhea, Bledsoe, Marion and Hamilton composed the fifth district.
10. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts under the enumeration of 1833. The counties of Roane, Rhea, Marion, Hamilton and Bledsoe composed one election district to elect one senator. The returning officers for the district were to meet at Washington, in Rhea County. The counties of Bledsoe, Marion and Hamilton composed one election district to elect one representative. The returning officers for the representative district were to meet at William Henson's, in Bledsoe County, on the first Saturday after the

election.

11. Public Acts of 1833, Chapter 76, was an act to provide for the calling of a convention for the purpose of revising, amending and altering the present or forming a new state constitution. The counties of Rhea and Hamilton composed a district, to elect one delegate. The returning officers for the district were to meet at the Town of Washington.
12. Public Acts of 1835-36, Chapter 39, also prescribed a mode of choosing electors to vote for the president and vice president of the United States, dividing the state into fifteen districts. Hamilton County was still a part of the fifth district. This act also set forth the penalties for failure to hold elections, and the duties of the electors.
13. Acts of 1835-36, Private Chapter 57, Section 2, authorized the justices of the peace in Hamilton County to establish three additional precincts for holding elections for governor, members of congress and members of the general assembly and military officers, with said precincts to be designated by the court.
14. Acts of 1842, 2nd Session, Chapter 1, declared Hamilton, Marion, Bledsoe, Rhea and Meigs counties to compose the eighth senatorial district, to elect one state senator, and the polls were to be compared at Harrison; the counties of Marion and Hamilton were to elect one representative to the general assembly, with the polls to be compared at Harrison, also.
15. Acts of 1842, Extra Session, Chapter 7, divided the State of Tennessee into districts for the election of representatives to the congress of the United States, and grouped Knox, Bledsoe, Roane, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton and Marion counties into the third congressional district.
16. Acts of 1851-52, Chapter 196, had Hamilton still in the third U. S. Congressional District along with Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Marion and Roane counties; Private Acts of 1851-52, Chapter 197, stated Hamilton was to elect one state representative; to jointly elect one floterial representative with Rhea and Bledsoe counties; and, was to be in the eighth state senatorial district with Rhea, Bledsoe, Bradley and Marion counties, with polls to be compared at Harrison.
17. Acts of 1857-58, Chapter 90, Section 2, changed the place for comparing the polls for Rhea, Bledsoe and Hamilton counties from Washington to Harrison in the election for joint representative, and specifically repealed that portion of the previous act that was in conflict.
18. Public Acts of 1865, Chapter 34, kept Hamilton County in the third congressional district along with Meigs, Rhea, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb and Fentress counties.
19. Public Acts of 1871, Chapter 146, permitted Hamilton to elect one representative to the general assembly, and divided the state into 25 senatorial districts with Hamilton County placed in the seventh district along with Rhea, James, Bledsoe, Sequatchie, Marion, Grundy and Van Buren counties.
20. Acts of 1872, Chapter 7, grouped Hamilton County still within the third U. S. Congressional District, along with Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren counties.
21. Public Acts of 1881, First Extra Session, Chapter 6, provided that Hamilton was to elect two representatives to the general assembly and, along with Marion County as the eighth senatorial district, elect one senator.
22. Public Acts of 1891, Extra Session, Chapter 10, allowed Hamilton County two representatives of its own and shared a third with James and Meigs counties, to comprise the sixth joint representative district. Hamilton County constituted the eighth senatorial district alone.
23. Public Acts of 1899, Chapter 391, amended Chapter 10, above, by dropping Meigs County from the floterial group and permitting James and Hamilton counties to share the representation.
24. Private Acts of 1911, Chapter 403, as amended by Private Acts of 1949, Chapter 188, which in turn was amended by Private Acts of 1959, Chapter 14, required of all citizens, when so appointed and notified by the election commission, to serve as officers, judges, clerks, registrars or assistant registrars, unless each appointee who was unable to discharge the duties of such officer, judge, clerk, registrar or assistant registrar filed with the chairman of the election commission an affidavit stating such causes sufficient to excuse the appointee from serving. Failure to serve without excuse was a misdemeanor and subject to fine. Each appointee was to receive \$15 per day for their services.
25. Private Acts of 1915, Chapter 679, amended Public Acts of 1859-60, Chapter 75, which was the

general election law for the state at that time, by changing the times for holding polls open in Hamilton County. The polls were to open at 9:00 a.m., and closing time was changed from 4:00 p.m. to 7:00 p.m.

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