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Chapter VII - Elections

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Sincerely,

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Chapter VII - Elections

Candidates

Private Acts of 1978 Chapter 322

SECTION 1. Candidates for membership on the County Legislative Body of Rhea County, including the Quarterly County Court or its successor body, shall qualify and be elected on the basis of county legislative districts, and candidates who receive the highest number of votes in multi-member districts shall be elected for positions in such districts without designation of specific positions therein.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Rhea County before September 1, 1978. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: April 27, 1978.

Districts - Reapportionment

Civil Districts

Private Acts of 1959 Chapter 346

SECTION 1. That the present civil districts of Rhea County numbering from One to Two be, and the same are hereby abolished, effective September 1, 1960.

SECTION 2. That in lieu of the present two districts theretofore existing in Rhea County there are hereby created Four Civil Districts for said County as follows:

FIRST CIVIL DISTRICT

The First Civil District of Rhea County shall be as follows:

Beginning at the mouth of Piney River, and running up the meanders of the same to the forks of Piney River, in the Shutin Gap; then with the North prong of Piney to Dunlap or Stinging Fork; and then with the same to the mouth of Big Soak; thence with the meanders of Big Soak to the Cumberland County line; Provided, That all of the territory within said Rhea County and lying North of said Piney River, and the extension thereof aforesaid to the Cumberland County line, shall compose the First District of said County.

SECOND CIVIL DISTRICT

The Second Civil District shall be as follows:

Beginning at the mouth of Clear Creek, and running up the meanders of the same to where said Creek empties out of the mountain; then a direct course to mouth of Moccasin Creek thence with Moccasin Creek and its waters to the Bledsoe County line at its nearest point;

Provided, That all of the territory within said County and lying between said Clear Creek and the line aforesaid, to the line of the First Civil District aforesaid, shall compose the second Civil District of said County.

THIRD CIVIL DISTRICT

The Third Civil District shall be as follows:

Beginning at the mouth of Richland Creek and running up the meanders of the same to the Bledsoe County line;

COMPILER'S NOTE: Today, Civil Districts and Magisterial or Commissioner Districts are not necessarily the same.

Provided, That all of the territory within said County and lying North of Richland Creek and South of the line of the Second Civil District aforesaid, shall compose the Third Civil District of said County.

FOURTH CIVIL DISTRICT

The Fourth Civil District shall be as follows:

The Fourth Civil District of said County shall comprise all of the territory within said County lying South of -said Richland Creek, and North of the Hamilton County line, to so remain until changed by Act of the General Assembly.

SECTION 3. That in the General County Election in 1960, the Justices of the Peace and Constables for the districts above set out shall be elected by the qualified voters of said Districts.

SECTION 4. That all laws or parts of laws in conflict with the provisions hereof, be and the same hereby are repealed.

SECTION 5. That if any clause, sentence or paragraph, section, or any part of this Act shall be held or declared to be unconstitutional and void it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intention to have passed the remainder of this Act notwithstanding the parts so held to be invalid, if any.

SECTION 6. That this Act take effect from and after its passage, the public welfare requiring it, but this Act shall not have the effect of removing the present Justices of the Peace or Constables from their offices during the term for which they were elected but they shall hold their offices until the expiration of their terms, and the Quarterly County Court as now constituted shall remain the same until the Justices of the Peace elected under this Act take their office in 1960.

SECTION 7. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of Rhea County, Tennessee, on or before the next regular meeting of said Quarterly County Court occurring more than Sixty Days after its approval by the Chief Executive of this State. Its approval, or non-approval, shall be proclaimed by the Chairman of the Quarterly County Court of Rhea County, Tennessee, and shall be certified by him to the Secretary of State.

Passed: March 19, 1959.

Private Acts of 1972 Chapter 227

SECTION 1. That the present civil districts of Rhea County, Tennessee, numbering from One to Four be, and the same are hereby abolished.

SECTION 2. That in lieu of the four Civil districts heretofore existing in Rhea County, Tennessee, there are hereby created three Civil districts for the said County, as follows:

FIRST CIVIL DISTRICT

All that territory located in Rhea County, Tennessee, from the Roane County line (White Creek) south to Clear Creek. This being the territory heretofore designated as the First and Second Civil Districts of Rhea County, Tennessee.

SECOND CIVIL DISTRICT

All that territory in Rhea County, Tennessee, from Clear Creek south to Richland Creek.

THIRD CIVIL DISTRICT

All of that territory in Rhea County, Tennessee, from Richland Creek south to the Hamilton County line.

The three (3) districts being the same territory as provided in the decree of the U.S. District Court in Chattanooga, Tennessee, for the reapportionment of Rhea County, Tennessee, into magisterial districts, and being the same territory from which the Justices of the Peace for Rhea County, Tennessee, were elected at a special election called for the reapportionment of the magisterial districts for Rhea County, Tennessee.

SECTION 3. That in the General County Election in 1972 the Justices of the Peace for the districts as above set out shall be elected by the qualified voters of said District.

COMPILER'S NOTE: The remainder of this Act concerns the Board of Education and is published under that heading, therefore it is not included here.

Passed: February 17, 1972.

Elections - Historical Notes

Districts - Reapportionment

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

1. Acts of 1835-36, in Resolution #3 named the people in each County of Tennessee who would be responsible for laying off the County into Civil Districts determined by the total population of the County. In Rhea County, William T. Gillenwaters, William Johnson, Stephen Winton, Abraham Cox, Jr. and John D. Chatten, were named to accomplish this purpose.
2. Acts of 1899, Chapter 163, established four Civil Districts instead of the fourteen then existing, describing these four with a metes and bounds description. Generally the First Civil District was the area north of the Piney River to the Cumberland County Line; the area in the County between Clear Creek and in the direction of Bledsoe County was the Second Civil District. The other two Districts had a more complicated description and they are not repeated here.
3. Private Acts of 1953, Chapter 49, abolished the four Civil Districts of Rhea County and created two Civil District in their stead. The First Civil District was bounded on the south by Clear Creek, on the west by the Bledsoe and Cumberland County lines, on the north by White Creek, or the Roane County line, and on the east by the Tennessee River. All the area south of Clear Creek constituted the Second Civil District. Charles McCuiston and James Grashain were named as Justices of the Peace in the First District, and Clyde Roddy, George Wilkey, and Boss Knight were nominated the Justices of the Second District. All the Magistrates serving incorporated towns shall continue. See Byrd v. Rhea County, 207 Tenn. 63, 338 S.W.2d 545(1960).
4. Private Acts of 1955, Chapter 312, abolished the two Civil Districts of Rhea County and replaced them with four, all being generally described in the Act. Provisions were made for the Justices of the Peace for the new Districts to be elected at the General County Election in August, 1960. This Act was properly ratified according to the requirements of the Home Rule Amendment to the Constitution and thus become effective law. This act was another construed by the court in the case of Byrd v. Rhea County, 207 Tenn. 63, 338 S.W.2d 545 (1960).
5. Private Acts of 1959, Chapter 346, was enacted before the above Act become effective. This Act is published herein.
6. Private Acts of 1972, Chapter 227, abolished the four existing Civil Districts of Rhea County and created three in their place, which were in conformity with the apportionment ordered by the Federal Courts.

Elections

The following is a listing of acts for Rhea County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 74, established five Presidential Electoral Districts in Tennessee and allocated the Counties of Knox, Blount, Anderson, Roane, Rhea, Bledsoe, and part of Campbell County to the Third Electoral District.
2. Acts of 1809, Chapter 1, provided for the State to have three U.S. Congressmen to serve two years. One each would be elected from the Districts of Washington and Hamilton and one would represent the combined Districts of Mero, Robertson, and Winchester.
3. Acts of 1812, Chapter 5, established eight Presidential Electoral Districts in Tennessee. The Fourth District was composed of the Counties of Rhea, Bledsoe, Overton, White, Warren, Franklin, and Jackson, all polls to be compared and counted at Sparta in White County.
4. Acts of 1812, Chapter 27, divided the State into six U.S. Congressional Districts. The Third District contained the Counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin.
5. Acts of 1812, Chapter 57, apportioned the State for representation in the General Assembly. Of the 20 Senators, the Counties of Roane, Rhea, Anderson, and Bledsoe would elect one jointly while Rhea County was allotted one Representative alone.
6. Acts of 1813, Chapter 4, declared it the duty of the Sheriff, or his Deputy, to open and hold an election at the house of John Sapp, residing at the Ford of the Piney River, where the road leading from the town of Washington to Kingston, called the River Road, crosses the Piney River, at all elections. The votes were to be counted and the return made the next day at the town of Washington.
7. Acts of 1815, Chapter 31, organized Tennessee into eight Presidential Electoral Districts, all

composed of the same counties allocated to the Districts by the 1812, Act above.

8. Acts of 1819, Chapter 5, established election precincts in several counties throughout the State. In Section 18 the act stated that a precinct election would hereafter be held at the house of William Price, Senior, on Sawnee Creek in Rhea County.
9. Acts of 1819, Chapter 69, reapportioned the State for the General Assembly which still had 20 Senators and 40 Representatives. Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton, and McMinn Counties would join together to elect one Senator, and Rhea, Hamilton, and McMinn Counties would share one Representative.
10. Acts of 1822, Chapter 1, provided for nine U.S. Congressional Districts in Tennessee. The Third U.S. Congressional District consisted of the Counties of Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe.
11. Acts of 1823, Chapter 47, formed eleven Presidential Electoral Districts in Tennessee. The 4th District was made up of the Counties of Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe. The votes would be counted and compared at Washington.
12. Acts of 1824, Chapter 1, was an exact duplicate of Acts of 1823, Chapter 47, Item 11, above.
13. Acts of 1826, Chapter 3, reapportioned the State from the General Assembly. Roane, Morgan, Rhea, Hamilton, Bledsoe, and Marion Counties would elect one Senator between them and Rhea and Hamilton Counties would share a Representative.
14. Acts of 1827, Chapter 17, divided Tennessee into eleven Presidential Electoral Districts and made no changes from the manner in which the Districts were then made up. The 4th District comprised the Counties of Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe.
15. Acts of 1829, Chapter 138, averred that the Sheriff, or the returning officers of the Counties of Rhea and Hamilton shall meet at the town of Washington in Rhea County and compare the votes for Representative to the General Assembly and deliver a certificate of election to the successful candidate.
16. Acts of 1832, Chapter 4, created 13 U.S. Congressional Districts in the State of Tennessee. The Fourth U.S. Congressional District was composed of the counties of Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe, and Marion.
17. Acts of 1832, Chapter 9, came up with fifteen Presidential Electoral Districts in the State. The 5th District contained the counties of McMinn, Rhea, Bledsoe, Marion, and Hamilton.
18. Acts of 1833, Chapter 71, separated Tennessee into 20 Senatorial and 40 Representative Districts in the General Assembly. The Counties of Roane, Rhea, Marion, Hamilton, and Bledsoe made up one Senatorial District with the votes to be tallied at Washington, and Roane County plus Rhea County equalled one Representative District.
19. Acts of 1833, Chapter 76, provided for 60 delegates to be elected to the Constitutional Convention on the first Thursday and Friday in March next, to meet in Nashville on the third Monday in May to revise, amend, and alter the present Constitution into a new one. Rhea County and Hamilton County would elect one Delegate to the Convention.
20. Acts of 1835-36, Chapter 39, provided for 15 Presidential Electoral Districts in Tennessee. The Fifth Electoral District had in it the Counties of McMinn, Rhea, Bledsoe, Marion, and Hamilton.
21. Acts of 1842 (Ex. Sess.), Chapter 1, increased the number of Senators in the General Assembly from 20 to 25, and the number of Representatives from 40 to 50. Rhea County and Meigs County would share a Representative while Hamilton, Marion, Bledsoe, Rhea, and Meigs county constituted the 8th Senatorial District where the polls would be counted at Harrison in Hamilton County.
22. Acts of 1842 (Ex. Sess.), Chapter 7, divided the State into eleven U.S. Congressional Districts. The Third Congressional District was composed of the Counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton and Marion.
23. Acts of 1851-52, Chapter 196, divided Tennessee into ten U.S. Congressional Districts, assigning the counties of Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion, and Roane to the Third Congressional District.
24. Acts of 1851-52, Chapter 197, organized the State into Senatorial and Representative Districts for the General Assembly. Rhea, Bledsoe, and Hamilton Counties would jointly elect one Representative, counting the polls at Washington. One Senatorial District had in it the Counties of Rhea, Bledsoe, Bradley, Hamilton, and Marion, and the polls would be compared at Harrison in Hamilton County.

25. Acts of 1865, Chapter 34, separated Tennessee into eight U.S. Congressional Districts in this post Civil War Assembly. The Third District contained the counties of Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress.
26. Acts of 1871, Chapter 146, apportioned Tennessee into 25 Senatorial and 50 Representative Districts. The Counties of James, Meigs, Rhea, and Cumberland would share one Representative while the Seventh Senatorial District would contain the Counties of Rhea, James, Hamilton, Bledsoe, Sequatchie, Marion, Grundy, and Van Buren.
27. Acts of 1872, Chapter 7, formed nine U.S. Congressional Districts in the State. The Third Congressional District had in it the Counties of Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren.
28. Acts of 1873, Chapter 27, reorganized the State into ten U.S. Congressional Districts. The Third Congressional District under this Act contained the counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, Cannon, and Cumberland.
29. Acts of 1881 (Ex. Sess.), Chapter 5, permanently fixed the number of Senators in the General Assembly at 33 and the Representatives at 99.
30. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned Tennessee for the General Assembly to conform to the requirements of Chapter 5, above. James County, Meigs County, and Rhea County would share one Representative. The 9th Senatorial District would be made up of the counties of Rhea, Grundy, Sequatchie, Bledsoe, Van Buren, Cumberland, Morgan, and White.
31. Acts of 1882 (Ex. Sess.), Chapter 27, divided the State into ten U.S. Congressional Districts but Rhea County does not appear in any of them. The writer assumes the County would have been in the Third District if it had not been omitted.
32. Acts of 1883, Chapter 237, amended Acts of 1882 (Ex. Sess.), Chapter 27, Item 31, above, so that the Third U.S. Congressional District in Tennessee shall now consist of the counties of Monroe, Polk, Bradley, Hamilton, Meigs, Rhea, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren.
33. Acts of 1889, Chapter 196, amended Acts of 1882 (Ex. Sess.), Chapter 27, and Acts of 1883, Chapter 237, so as to detach Cannon County from the 5th U.S. Congressional Districts and attach it to the 3rd U.S. Congressional District, and to detach Rhea County and Cumberland County from the Third U.S. Congressional District and attach them to the Fourth U.S. District. Marion County was also moved out of the Third and into the Fifth U.S. Congressional District of Tennessee.
34. Acts of 1891 (Ex. Sess.), Chapter 10, rearranged the representation in the General Assembly based upon the 1890 Census. Rhea County would elect one Representative alone, and share a State Senator with Bledsoe, White, Cumberland, Sequatchie, Van Buren, and Morgan Counties in the 9th State Senatorial District.
35. Acts of 1899, Chapter 391, amended Acts of 1891 (Ex. Sess.), Chapter 10, Section One, Item 34, above, by striking the name of Rhea County from among those counties entitled to one Representative alone. Meigs County was also detached from the 6th Representative District and these two counties were joined together to form one Floterial Representative District.
36. Acts of 1901, Chapter 109, formed ten U.S. Congressional Districts in the State. The 4th U.S. Congressional District was made up of the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
37. Acts of 1901, Chapter 122, was the apportionment of the General Assembly precipitated by the 1900 Federal Census. The 9th State Senatorial District was composed of the counties of Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, White, and Cumberland. Meigs County and Rhea County constituted the 10th Representative District.
38. Private Acts of 1921, Chapter 809, provided that hereafter in Rhea County the Election Commission shall hold registration for the purpose of registering all voters at every precinct in the County where the Dortch Ballot Law now applies. This Act was repealed in Item 43, below.
39. Private Acts of 1929, Chapter 130, stated that hereafter in Rhea County there shall be no registration of voters and every conflicting act is repealed.
40. Private Acts of 1943, Chapter 346, amended Private Acts of 1915, Chapter 152, which is the Charter for the City of Dayton, so as to provide that no payment of poll tax shall be required as a condition precedent to voting in any municipal election.

41. Private Acts of 1943, Chapter 347, amended Private Acts of 1917, Chapter 41, the Charter of the City of Graysville, in Rhea County, by adding a provision at the end of Section 3 which eliminated the requirement of the payment of the poll tax as a prerequisite to voting in all municipal elections.
42. Private Acts of 1943, Chapter 348, amended Acts of 1907, Chapter 108, which incorporated the town of Spring City by adding a provision at the end of Section 7 that no payment of poll tax shall be required as a condition precedent to voting in any municipal election in Spring City.
43. Private Acts of 1949, Chapter 21, expressly repealed Private Acts of 1921, Chapter 809, Item 38, above.

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