

HOUSE BILL 2394

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to special elections to fill vacancies in
seats of congress.

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

SECTION 1. Tennessee Code Annotated, Section 2-6-503(c), is amended by deleting the subsection in its entirety.

SECTION 2. Tennessee Code Annotated, Section 2-14-102(b)(1), is amended by adding the language "the United States senate," immediately preceding the language "the United States house of representatives,".

SECTION 3. Tennessee Code Annotated, Section 2-14-107(a), is amended by designating the existing language as subdivision (1) and adding as a new subdivision (2):

(2) If it is necessary to hold a special election to fill a vacant seat in the United States senate, then the requirements of §§ 2-1-104 and 2-13-107 shall apply.

SECTION 4. Tennessee Code Annotated, Section 2-16-101, is amended by deleting the section and substituting instead the following:

(a)

(1) If a vacancy occurs in the office of United States senator, or in the office of representative to the United States congress, within ten (10) days of such vacancy occurring, the governor shall, by writ of election, order a special election to fill the vacancy.

(2) The governor shall, by the writ of election required by subdivision

(a)(1):

(A) Set a date not less than fifty-five (55) nor more than sixty (60) days from the date of the writ for primary elections for nominations by statewide political parties to fill the vacancy; and

(B) Set a date of not less than one hundred (100) nor more than one hundred seven (107) days from the date of the writ for a general election to fill the vacancy.

(3) Candidates for the primary elections and independent candidates for the general election shall qualify as required in regular elections but shall file qualifying petitions before twelve o'clock (12:00) noon, prevailing time, on the sixtieth day before the day of the primary elections. If the sixtieth day before the day of the primary elections falls on a Saturday, Sunday, or legal holiday, the qualifying deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, on the previous business day before such Saturday, Sunday, or legal holiday.

(4) A candidate's request to withdraw shall be filed no later than twelve o'clock (12:00) noon, prevailing time, on the fifty-fifth day before the day of the primary election. When the fifty-fifth day before the day of the primary elections falls on a Saturday, Sunday, or legal holiday, the withdrawal deadline shall be no later than twelve o'clock (12:00) noon, prevailing time, on the previous business day before such Saturday, Sunday, or legal holiday.

(5) Except where this subsection (a) makes different provisions, chapter 14 of this title shall govern elections required by this subsection (a).

(b) A United States senator or representative elected in a special election to fill a vacancy shall hold office until the term for which the predecessor was elected expires.

(c) If the vacancy will deprive the state of its full representation in the senate at any time congress may be in session, the governor shall fill the vacancy by appointment until a successor is elected at the special general election and is qualified.

SECTION 5. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to all vacancies occurring on or after that date.