

Amendment No. 3 to HB1938

**Ragan
Signature of Sponsor**

AMEND Senate Bill No. 1688*

House Bill No. 1938

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 13, Part 1, is amended by adding the following new section:

(a) As used in this section, "constructive denial" means requirements that take on the character and effect of unreasonably denying a person candidate status or making attainment of candidate status onerous, arbitrary, or unduly burdensome.

(b) Unless otherwise provided by federal law, no statewide political party or recognized minor party may deny a person qualification as a candidate directly, indirectly, or through constructive denial by reason of race, creed, color, sex, age, honorably discharged-veteran status, membership in the Tennessee national guard, membership in the Tennessee air national guard, or status as an inactive reservist in good standing with any of the United States uniformed military services.

(c) It is not direct, indirect, or constructive denial if a statewide political party or recognized minor party requires a person, prior to the party certifying the person as a candidate, to swear or affirm support for officially adopted and publicly published party platforms or positions.

(d) A statewide political party or recognized minor party may develop a process for impartially reviewing and removing an individual from the party's primary election ballot if that statewide political party or recognized minor party has grounds to establish that good cause exists that the prospective candidate may have sworn falsely.

(e) Prior to final disposition for denial of candidate status, the prospective candidate is entitled to know who the prospective candidate's accusers are and the

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nature of the allegations and evidence against the prospective candidate. The prospective candidate has the right to counsel, to examine witnesses and evidence before such is presented against the prospective candidate, to confront witnesses, and to present witnesses and evidence in the prospective candidate's favor before the impartial reviewer.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.