

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 185 - SB 1355

February 25, 2019

SUMMARY OF ORIGINAL BILL: Establishes that if a vacancy occurs in the state senate in a seat with more than two years remaining in the term, but within 45 days of the next general election for members of the general assembly, a member of a county executive committee who represents the precincts composing such senate district may nominate a candidate to appear on the November election ballot by any method authorized under the rules of the party within 48 hours of notice of the vacancy. Stipulates that such election by the respective county executive committee shall not be subject to early voting. Requires the county election commission to allow any person, who did vote early for the November election, to additionally cast a ballot in person on election day for any state senate election held pursuant to the particular state senate vacancy aforementioned.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004712): Deletes and rewrites Section 1 such that the only substantive changes include: (1) requires that there be a separate November election ballot for the affected county election committees to nominate a candidate for the senate vacancy; (2) establishes that any notice requirement under a party's rules in nominating a candidate is waived in order to meet such 48-hour deadline; (3) establishes that certification of the candidates to the affected county election commissions may be transmitted by email; and (4) establishes that independent candidates must be issued nominating petitions immediately upon notice of the vacancy and shall qualify by filing such petitions as provided for in Tenn. Code Ann. § 2-5-104 by 12 p.m., prevailing time, on the same deadline for the certification of the political party candidates. The publication requirements of the qualifying deadline and of the election day sample ballot shall be met by the county election commission posting the same on its website, and if such county election commission does not have a website, on the website of the Secretary of State (SOS).

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – \$10,000/Each Instance*

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Assumptions for the bill as amended:

- Currently, pursuant to Tenn. Code Ann. § 2-14-202(d), if a vacancy occurs in the state Senate in a seat with more than two years remaining in the term, but less than twelve 12 months before the next general election for members of the general assembly, candidates for the primary elections and independent candidates shall qualify at the regular qualifying deadline for state elections.
- This legislation will require that if such a vacancy occurs and it's within 45 days of the next general election, the county executive committee who represents the affected precincts may nominate a candidate to appear on a separate ballot by any method authorized under the rules of the party, within 48 hours of notice of such vacancy, rather than having the candidate receiving the highest number of write-in votes elected as is currently the case.
- Based on information provided by the Division of Elections (Division), it is rare for a seat in the Senate to become vacant so close to an election day.
- Due to the requirement to add a separate ballot, any affected Senate districts will be required to print out a separate poll list and have separate ballot applications.
- Based on a sampling of county election officials by the Division, this legislation is estimated to result in an increase in local expenditures of approximately \$10,000.
- It is unknown how many times this will occur, but each instance will result in a mandatory increase in local expenditures of approximately \$10,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jdb