

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 911 - SB 1354

March 17, 2019

**SUMMARY OF ORIGINAL BILL:** Requires the executive committee to notify a candidate, and provide reasonable time for the candidate to respond to the committee, when the committee determines the candidate is unqualified and must be excluded from the ballot by the county election commission.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005551):** Deletes all language after the enacting clause. Requires the executive committee, with respect to the Election Code (in Title 2), to file a determination that a candidate must be excluded from the ballot with the coordinator of elections, who will then notify each county election commission. Requires the executive committee, upon determining a candidate's name must be excluded from the ballot, to provide written notice to the candidate within two days by any form of expedited mail that requires a signature at receipt. Requires the executive committee to retain such return receipt for no less than one year. Authorizes the candidate to appeal the determination if written notice is filed with the executive committee within two days of receiving the notice of exclusion. Establishes that, unless the executive committee withdraws the committee's disqualification determination within seven days of the original withdrawal deadline, the coordinator of elections must exclude the name from the ballot. Establishes that the proposed appeal process does not apply to a special primary or special general election to fill a vacancy for members of the General Assembly or of Office of Representatives in Congress.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 2-5-204(b)(2), an executive committee's determination of disqualification must be filed with the chair or administrator of elections of each county election commission on whose ballots the candidate's name would otherwise

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appear no later than noon prevailing time on the seventh day after the qualifying deadline for the election.

- The proposed legislation does not alter that deadline; however, it requires the executive committee to file the determination with the coordinator of elections, who will subsequently notify the chair of administrator of elections of each county election commission.
- Requiring the executive committee to notify the disqualified candidate and authorizing a candidate to appeal a disqualification determination within the existing time period in which county election commissions would be notified will not result in a significant fiscal impact on state or local government.

**CERTIFICATION:**

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

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jdb