

HOUSE BILL 231

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 16 and Title 17, relative to the Tennessee
supreme court.

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

SECTION 1. Tennessee Code Annotated, Title 2, is amended by adding Sections 2 through 5 of this act as a new chapter 21 thereto.

SECTION 2. The general assembly shall establish the composition of districts for the election of justices of the Tennessee supreme court after each enumeration and apportionment of representation by the congress of the United States. The districts may not be changed between apportionments.

SECTION 3. It is the legislative intent that all supreme court judicial districts be contiguous and, toward that end, if any voting district or other geographical entity designated as a portion of a district is found to be noncontiguous with the larger portion of such district, it shall be constituted a portion of the district smallest in population to which it is contiguous. No more than two (2) districts shall be in any of the grand divisions of the state.

SECTION 4. A candidate for the Tennessee supreme court or a justice of the supreme court shall not personally solicit or accept campaign contributions.

SECTION 5. The treasurer of the campaign of a candidate for the Tennessee supreme court shall not divulge to the candidate the names of persons or individual amounts contributed to such campaign. All campaign financial disclosures shall be prepared by and signed by the treasurer of such campaign.

SECTION 6. Tennessee Code Annotated, Section 16-3-101, is amended by deleting such section in its entirety and by substituting instead the following:

Section 16-3-101.

(a) The supreme court shall consist of five (5) judges.

(b) Each judge of the supreme court shall be elected to a full eight-year term of office by the qualified voters of the state in a contested nonpartisan election held at the regular August election in 2014 and at the regular August election recurring every eight (8) years thereafter.

(c) If a vacancy occurs during the term of office of any judge of the supreme court because of death, resignation, removal or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, by the qualified voters of the state in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In accordance with Article VI, Sections 2 and 3 of the Constitution of Tennessee, the vacancy shall be filled from the district of the state in which the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(d) To be appointed or elected as a judge of the supreme court, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of Tennessee to hold the office.

(e) Each election for the office of judge of the supreme court shall be conducted in accordance with general election law set forth in title 2.

(f) Each judge shall be thirty-five (35) years of age and shall, before election, have been a resident of the state for five (5) years.

(g) The concurrence of three (3) of the judges is necessary to a decision in every case.

SECTION 7. Tennessee Code Annotated, Section 17-4-101, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) For the purposes of this chapter, "appellate courts" shall include the courts of appeals and courts of criminal appeals, but not the supreme court.

SECTION 8. This act shall take effect July 1, 2011, the public welfare requiring it.