

HOUSE BILL 453

By Weaver

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 12, Part 1 and Title 5, relative to the budget of the county election commissions.

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

SECTION 1. Tennessee Code Annotated, Section 2-12-109, is amended by deleting subsection (a) and by substituting instead the following:

(a)

(1) Except as otherwise provided by law, it is the responsibility of the county to fund the operations of its election commission.

(2) The administrator of elections shall on or before April 1 of each year, file with the county legislative body, or an official or committee designated by the county legislative body to receive the budget, an itemized statement of the funds estimated to be required for the operation of the county election commission for the ensuing year.

(3) The county legislative body shall not have the authority to revise or restrict the budget as submitted by the administrator of elections.

(4) If a county legislative body fails to appropriate funds sufficient to pay expenses that are reasonably necessary, based on the budget submitted by the administrator of elections, for the discharge of the statutorily mandated duties of the county election commission, the county election commission may petition the chancery court of the county in which such election commission is located to compel the appropriation of such funds.

(5) In the event that a county election commission files a petition to compel the appropriation of funds by the county, the county shall bear the burden of establishing by clear and convincing evidence that the funds requested by the administrator of elections are unreasonable in light of the historical budgets of the election commission and the projected operating expenses of the election commission. The legal expenses of the county election commission related to its funding by the county shall be paid by the county as part of the election commission's operating expenses.

SECTION 2. Tennessee Code Annotated, Section 5-9-402(a), is amended by inserting the language “, the county election commission” after the language “superintendents” and before the words “and each.”

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.