

HOUSE BILL 784

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 2,  
relative to vacancies in congress.

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

SECTION 1. Tennessee Code Annotated, Section 2-16-101, is amended by deleting subsection (a) and substituting instead the following:

(1)

(A) If a vacancy occurs in the office of United States senator, a successor shall be elected at the next regular November election and shall hold office until the term for which the predecessor was elected expires.

(B) If the vacancy will deprive the state of its full representation at any time congress may be in session, the general assembly shall fill the vacancy by appointment, pursuant to subdivision (a)(2), until a successor is elected at the next regular November election and is qualified.

(2)

(A) If a vacancy occurs in the office of United States senator as described in subdivision (a)(1)(B) and the general assembly is not in regular annual session, the governor shall call the general assembly into a joint special session for the purpose of appointing a successor. The governor's call for the special session shall set a date on which the special session shall be held that is not less than ten (10) nor more than fourteen (14) days from the notice of the vacancy.

(B) If the general assembly is in regular annual session, the general assembly shall meet in joint session for the purpose of appointing a successor

not less than ten (10) nor more than fourteen (14) days from the notice of the vacancy.

(C) The successor appointed shall be a member of the same political party as the predecessor.

(D) Members of the general assembly may nominate candidates to fill the vacancy. Nominated candidates shall meet the constitutional qualifications to serve as a United States senator.

(E) After all nominations are made, each member of the general assembly who is in attendance shall vote for a candidate to fill the vacancy. Each senator's vote counts as three (3) votes. Each representative's vote counts as one (1) vote. If a candidate receives a majority of the votes cast, then that candidate is appointed. If no candidate receives a majority of the votes cast, the members shall then take a second vote, but shall only vote for one (1) of the two (2) candidates with the highest number of votes in the first vote. The candidate receiving a majority of the votes cast in the second vote shall be appointed.

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