

HOUSE BILL 794

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 1, Part 1; Title 2, Chapter 13, Part 1; Title 2, Chapter 13, Part 2 and Title 2, Chapter 5, Part 2, relative to minor political parties.

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

SECTION 1. Tennessee Code Annotated, Section 2-1-104(a), is amended by inserting between subdivisions (23) and (24), the following new subdivision and renumbering the subdivisions appropriately:

( ) "Recognized minor party" means any group or association that has successfully petitioned by filing with the coordinator of elections a petition which shall conform to requirements established by the coordinator of elections, but which must at a minimum bear the signatures of registered voters equal to at least two and one-half percent (2.5%) of the total number of votes cast for gubernatorial candidates in the most recent election of governor, and on each page of the petition, state its purpose, state its name, and contain the names of registered voters from a single county;

SECTION 2. Tennessee Code Annotated, Section 2-1-104, is amended by deleting subdivision (a)(30)(B) in its entirety, and renumbering the subdivisions appropriately.

SECTION 3. Tennessee Code Annotated, Section 2-5-208(d)(1), is amended by deleting this subdivision in its entirety and substituting instead the following:

(d)

(1) Notwithstanding any other provision of this chapter or this title, on general election ballots, the name of each political party having nominees on the ballot shall be listed in the following order: majority party, minority party, and recognized minor party, if any. The names of the political party candidates shall

be alphabetically listed underneath the appropriate column for the candidate's party. A column for independent candidates shall follow the recognized minor party, or if there is not a recognized minor party on the ballot, shall follow the minority party, with the listing of the candidates' names alphabetically underneath.

SECTION 4. Tennessee Code Annotated, Section 2-13-107, is amended by deleting the section in its entirety and by substituting instead the following:

2-13-107.

(a) To be recognized as a minor party, a petition as required in § 2-1-104 must be filed no later than twelve o'clock (12:00) noon on the qualifying deadline as established in § 2-5-101(a)(1) in the office of the coordinator of elections. The petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association filing the petition to form the minor political party.

(b) Within thirty (30) days after receipt of such petition, the coordinator of elections shall determine the sufficiency of the petition, and if the petition is found sufficient, the minor party shall be recognized with all rights and obligations declared in this section.

(c) Upon filing the required petition, candidates seeking to represent the minor party must file nominating petitions as any other candidate for the desired office no later than twelve o'clock (12:00) noon, prevailing time, on the qualifying deadline as established in § 2-5-101(a)(1). If the coordinator of elections determines the petition meets the statutory requirements to be declared a recognized minor party, the candidates seeking to represent such minor party shall be placed on the regular August primary ballot for such minor party. If the coordinator of elections determines the petition

fails to meet the statutory requirements to be declared a recognized minor party, the candidates seeking to represent such minor party shall be placed on the regular November general election ballot as independent candidates.

(d) The name used by the minor party shall not be or include the name of any statewide political party then in existence or any word forming any part of the name of any statewide political party then in existence, and shall not include the word “independent” or “nonpartisan.” The coordinator of elections shall redact any portion of a minor party name that violates this section.

(e) A recognized minor party must satisfy the requirements of § 2-1-114 no later than September 1 after the primary elections are held pursuant to § 2-13-202 in order for its candidates to appear on the regular November general election ballot. If a recognized minor party fails to satisfy the requirements of § 2-1-114 by the required deadline, its candidates shall appear on the regular November general election ballot as independent candidates.

(f) To maintain recognition, a minor party must meet the requirements of a statewide political party as defined in § 2-1-104. A minor party who fails to meet such requirements shall cease to be a recognized minor party. Such party may regain recognition only by following the procedures prescribed for formation of recognized minor party. The coordinator of elections shall advise each county election commission of a minor party's failure to receive a sufficient number of votes and shall order that said party cease to be recognized.

(g) A recognized minor party shall be exempt from the requirements of §§ 2-13-103, 2-13-106 and 2-13-108.

SECTION 5. Tennessee Code Annotated, Section 2-13-201, is amended by deleting the section in its entirety and by substituting instead the following:

2-13-201.

No person's name may be shown on a ballot as the nominee of a political party for the offices named in § 2-13-202 or for any office to be voted on by the voters of a county, unless the political party:

- (1) Is a statewide political party or a recognized minor party; and
- (2) Has nominated the person substantially in compliance with this chapter.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.