

HOUSE BILL 1702

By Hill

AN ACT to amend Tennessee Code Annotated, Title 17,
Chapter 4, Part 1, relative to certain judges.

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

SECTION 1. Tennessee Code Annotated, Section 17-4-114, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)

(1) If seventy-five percent (75%) of those voting on the question vote to retain the candidate, then the candidate shall be retained in the office for the remainder of the term of the predecessor and given a certificate of election.

(2) If more than twenty-five percent (25%) of those voting on the question vote to replace the candidate, then a vacancy exists in the office as of September 1 following the regular August election. The governor shall fill the vacancy in the office in accordance with § 17-4-112 or § 17-4-113; however, at the next regular August general election, this office shall be filled by means of a contested election conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate and independent candidates may qualify under the general election law for the contested election. After the office is filled by contested election under this subdivision (d)(2), this chapter concerning the evaluation and retention process shall again apply to the office.

SECTION 2. Tennessee Code Annotated, Section 17-4-115, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d)

(1) If seventy-five percent (75%) of those voting on the question vote to retain the candidate, then the candidate shall be retained in the office for a full eight-year term and given a certificate of election.

(2) If more than twenty-five percent (25%) of those voting on the question vote to replace the candidate, then a vacancy exists in the office as of September 1 following the regular August election. The governor shall fill the vacancy in the office in accordance with § 17-4-112 or § 17-4-113; however, at the next regular August general election, this office shall be filled by means of a contested election conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate and independent candidates may qualify under the general election law for the contested election. After the office is filled by contested election under this subdivision (d)(2), this chapter concerning the evaluation and retention process shall again apply to the office.

SECTION 3. Tennessee Code Annotated, Section 17-4-116, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c)

(1) If seventy-five percent (75%) of those voting on the question vote to retain the candidate, then the candidate shall be retained in the office for the remainder of the remainder of the unexpired term or a full eight-year term, as the case may be, beginning September 1, and the candidate shall be given a certificate of election.

(2) If more than twenty-five percent (25%) of those voting on the question vote to replace the candidate, then a vacancy exists in the office as of September 1 following the regular August election. The governor shall fill the vacancy in the

office in accordance with § 17-4-112 or § 17-4-113; however, at the next regular August general election, this office shall be filled by means of a contested election conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203, each political party may nominate a candidate and independent candidates may qualify under the general election law for the contested election. After the office is filled by contested election under this subdivision (c)(2), this chapter concerning the evaluation and retention process shall again apply to the office.

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.