

SENATE BILL 464

By Bell

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 5 and Title 8, Chapter 8, Part 1, relative to elections for sheriff.

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

SECTION 1. Tennessee Code Annotated, Section 8-8-102(a)(9), is amended by deleting the subdivision in its entirety.

SECTION 2. Tennessee Code Annotated, Section 8-8-102(b)(3), is amended by deleting the subdivision in its entirety.

SECTION 3. Tennessee Code Annotated, Section 8-8-102, is amended by adding the following new subsections:

(d) A person may challenge whether a candidate has the required qualifications for sheriff, as identified in subsection (a); provided, that the challenge is filed in writing with the POST commission no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline, as determined under § 2-5-101(a).

(e) If a candidate's qualifications are challenged pursuant to subsection (d), the POST commission shall:

- (1) Notify the candidate of the challenge;
- (2) Review and verify the candidate's required qualifications, identified in subsection (a);
- (3) Review and verify the candidate's affidavit and psychological evaluation form, in accordance with subsection (b); and
- (4) If the POST commission determines the candidate does not possess the required qualifications for sheriff:

(A) Disqualify the candidate;

(B) Notify the candidate and county election commission of its determination no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline, as determined under § 2-5-101(a); and

(C) Request that the county election commission:

(i) Not print the candidate's name on any ballot; and

(ii) Remove the candidate's name from any printed ballot.

(f)

(1) It is an offense for a person to intentionally file a fraudulent challenge under subsection (d).

(2) A violation of subdivision (f)(1) is a Class A misdemeanor punishable by fine only.

SECTION 4. Tennessee Code Annotated, Section 2-5-101(g)(1), is amended by adding the following as a new, appropriately designated subdivision:

Is declared disqualified by the peace officer standards and training (POST) commission pursuant to § 8-8-102(e);

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it.