

SENATE BILL 1880

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 4; Title 16 and Title 17, relative to judges and
chancellors.

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

SECTION 1. Tennessee Code Annotated, Section 17-1-301, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) Each judge of a circuit, chancery, criminal, or other state trial court of record shall be elected to a full eight-year term of office by the qualified voters of the judicial district or circuit, to which the judge is to be assigned, in a contested election held at the regular August election in 2022 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of a circuit, chancery, criminal, or other state trial court of record because of death, resignation, removal or other reason, then the remainder of the unexpired term shall be filled by the qualified voters of the judicial district or circuit in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of a circuit, chancery, criminal, or other state trial court of record, a person must be duly licensed to practice law in

this state and must be fully qualified under the constitution and statutes of this state to hold the office.

(4) Each election for the office of judge of a circuit, chancery, criminal, or other state trial court of record shall be conducted in accordance with general election law set forth in title 2.

(b)

(1) Each judge of the supreme court or other state appellate court shall be elected to a full eight-year term of office by the qualified voters of the state in a contested election held at the regular August election in 2022 and at the regular August election recurring every eight (8) years thereafter.

(2) If a vacancy occurs during the term of office of any judge of the supreme court or other state appellate court because of death, resignation, removal or other reason, then the vacancy shall be filled, for the remainder of the unexpired term, by the qualified voters of the state in a contested election held at the next regular August election recurring more than thirty (30) days after the vacancy occurs. In accordance with Article VI, Sections 2 and 3 of the Constitution of Tennessee and §§ 16-3-101, 16-4-102, or 16-5-102, as the case may be, the vacancy shall be filled from the grand division or district of the state in which the vacancy occurs. In the meantime, the governor shall appoint a person to discharge the duties of such office until the first day of September next succeeding the election.

(3) To be appointed or elected as judge of the supreme court or other state appellate court, a person must be duly licensed to practice law in this state and must be fully qualified under the constitution and statutes of this state to hold the office.

(4) Each election for the office of judge of the supreme court or other state appellate court shall be conducted in accordance with general election law set forth in title 2. In accordance with § 2-13-203(b), each political party may

nominate a candidate for election to each such office; and, in accordance with § 2-5-101, independent candidates may also qualify for each such office.

SECTION 2. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting the chapter in its entirety.

SECTION 3.

(a) Tennessee Code Annotated, Section 4-29-233(a)(15), is amended by deleting the subdivision in its entirety.

(b) Tennessee Code Annotated, Section 4-29-234(a)(37), is amended by deleting the subdivision in its entirety.

SECTION 4. Tennessee Code Annotated, Section 2-13-203(a)(1), is amended by deleting the period “.” and by substituting instead the following:

; provided, however, each candidate for the office of judge of the supreme court or other state appellate court shall be nominated exclusively by the assent of a majority of all the members to which the state executive committee is entitled under § 2-13-103.

SECTION 5. Unless the people approve and ratify the amendment to Article VI, Section 3 of the Constitution of Tennessee, proposed and submitted to the people pursuant to SJR 710 of the One Hundred Seventh General Assembly and SJR 2 of the One Hundred Eighth General Assembly, this act shall take effect December 1, 2014, and shall apply to each full eight-year term or vacancy filled on or after such date; however, if the people approve and ratify such amendment, then this act shall not take effect.