

**DIGEST OF
ELECTION LAWS OF
TENNESSEE, 1908**

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Digest of Election Laws of Tennessee, 1908 by Various

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VARIOUS

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TENNESSEE, 1908**

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Election Laws of
Tennessee.**



1908

UNIV. OF
CALIFORNIA

COMPILED BY
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SECRETARY
of State Board of Elections

JK 1963
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STATE OF
CALIFORNIA

GENERAL ELECTIONS. Terms and Times of Elections and Names of Officers.

Officers	Terms	Time of Election	Code
1. Governor.....	Two years.....	First Tuesday after first Monday in November.....	Sec. 1158
2. Electors of President and Vice Pres	Elected every four years.	First Tuesday after first Monday in November.....	Sec. 1158
3. Representatives in Congress.....	Two years.....	First Tuesday after first Monday in November.....	Sec. 1158
4. Members of the General Assembly.	Two years.....	First Tuesday after first Monday in November.....	Sec. 1158
5. Judges.....	Eight years.....	First Thursday in August.....	Sec. 1154
6. District Attorneys for the State....	Eight years.....	First Thursday in August.....	Sec. 1154
7. Clerks of the Circuit, Criminal and County Courts.....	Four years.....	First Thursday in August.....	Sec. 1154
8. Justices of the Peace.....	Six years.....	First Thursday in August.....	Sec. 1154
9. Sheriffs.....	Two years.....	First Thursday in August.....	Sec. 1154
10. County Trustees.....	Two years.....	First Thursday in August.....	Sec. 1154
11. County Registers.....	Four years.....	First Thursday in August.....	Sec. 1154
12. Constables.....	Two years.....	First Thursday in August.....	Sec. 1154
13. Tax Assessors.....	Four years.....	First Thursday in August.....	Sec. 761
14. School Directors.....	Two years.....	First Thursday in August.....	Sec. 1417

References are to Shannon's Code.

REGISTRATION.

In all the counties of 50,000 inhabitants or over and in all civil districts of 2,500 inhabitants or over, *also in all wards or civil districts in which there is a town of 750 inhabitants or over in counties containing 15,000 inhabitants and upwards, registration is a prerequisite to voting; Provided, that the last published census shall control in every case.—*Ex. Ses. 1890, Ch. 25; Acts 1891, Ch. 224; Ex. Ses. 1891, Ch. 12.*

Only one general registration shall be held every two years in order to entitle voters to vote, except upon a change of residence. In civil districts of under 5,000 inhabitants, situated in counties not wholly subject to the registration laws, such general registration shall occur every four years.—*Ex. Ses. 1895, Ch. 3.*

The Commissioners of Registration shall appoint for each ward or civil district two registrars of voters, who shall be residents of the wards or civil districts for which they are appointed, not more than one of whom shall be of the same political party.—*Code, Sec. 1192.*

Before entering upon their duties the registrars shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will faithfully and impartially keep the register of voters in my district (or ward); that I will not knowingly register or allow to be registered any person not a legally qualified voter, and that I will not knowingly prevent any person from registering who is a legally qualified voter, so help me God."—*Code, Sec. 1214.*

The registrars shall open books for the registration of voters in their respective wards and districts on the second Monday in August, 1895, and every two years thereafter. Said books shall remain open from 8 a. m. to 9 p. m. for ten days, Sundays excluded. They shall issue certificates to all qualified voters applying therefor within said ten days.—*Code, Secs. 1195-1197.*

The registration books shall be open for three successive days at least twenty days prior to every election for the purpose of registering those who have not previously registered or who shall have changed their residence since the last general registration.—*Acts Ex. Ses. 1895, Ch. 3.*

*Note.—Ch. 147, Acts 1901, declared unconstitutional by Supreme Court.

If the registrars disagree as to the right of an applicant to be registered as a voter, they shall register his name, and after issuing the certificate of registration shall write across the face of the same the words, "The registrars disagree," whereupon the applicant may take such certificate to the Commissioners of Registration, who shall determine the question of disagreement and endorse on the certificate the words, "Approved" or "Disapproved," and the holder of such certificate shall not be entitled to vote unless the word "Approved" is endorsed on the certificate and signed by the majority of the Board of Commissioners.—*Code, Sec. 1212.*

At the close of each day's registration the registrars shall draw a heavy black line in ink immediately under the last name registered on that day, entirely across the page of the registration book, to indicate the completion of that day's registration.—*Code, Sec. 1209.*

When the books of registration are completed they shall be turned over by the registrars to the Commissioners of Registration for their county for safe keeping, and said commissioners shall thereafter be held responsible for the same.—*Code, Sec. 1207.*

SPECIAL ELECTIONS.

Special elections are held (1) to fill vacancies in the office of Senator or Representative in the General Assembly or of Representative in Congress, or (2) where a vacancy in any office is required to be filled by election at a time other than the time fixed for the general election, or (3) in such other cases as are or may be provided by law.—*Code, Sec. 1160.*

(a) The Governor shall give notice by proclamation of vacancies in the offices of Representative in Congress, members of Assembly, judges, district attorneys general, and also shall issue writs of election to the officers charged by law to hold the election in the county where the vacancy is to be filled. Upon receipt of which writ or notice of proclamation such officer shall give notice of the time, place, and object of such election by publication in some newspaper in the county.—*Code, Secs. 1162-1165.*

(b) All other special elections shall be opened and held upon notice by the Commissioners of Registration.

(Note.—Special elections for judges, district attorneys general, clerks, registers, and tax assessors, shall occur only at the general biennial August election.—*Constitution, Art. 2, Secs. 2-5; Code, Secs. 1157, 763; Note to Code, Sec. 558.*)

(c) Vacancies in the offices of justice of the peace and constable shall be filled by special election to be held for the purpose on at least twenty-three days' notice.—*Acts 1895, Ch. 3, Ex. Ses.; Code, Secs. 431, 492.*

Should a vacancy occur in the offices of Sheriff, Trustee, County Court Clerk and Register, it shall be filled by the County Court until the general biennial August election; vacancies in the offices of Circuit and Criminal Court Clerks are filled by appointment of the Judges of the respective Courts until the next general biennial August election.—*Art. 7, Sec. 2, Const.*

RIGHTS OF ELECTORS.

PERSONS ENTITLED TO VOTE.

Every male citizen of the age of twenty-one years being a citizen of the United States and a resident of this State for twelve months, and of the county wherein he may offer to vote for six months next preceding the day of election, shall be entitled to vote.—*Code, Sec. 1167.*

All persons shall vote in the civil district or ward in which they reside, except as follows:

1. Judges, jurors, litigants, and witnesses attending court may vote in any ward or district in which court is held.

2. Sheriffs or other officers holding elections may vote in any ward or district in which they may hold an election.

3. Candidates for county and State offices or for Congress may vote in any ward or district of their county in which they may be on election day.

4. If from any cause, there should be a failure to hold an election in any civil district or ward, the voters thereof may vote in any other district or ward in their county or town.—*Code, Secs. 1168, 1169.*

PLACE OF VOTING.

If any person go out of his county for a definite purpose, not intending to change his home, and return on or before the day of election, he shall be entitled to vote; and when a person

has a fixed residence in a county, the same shall continue to be his residence until he change the same to some other county or State.—*Code, Sec. 1171.*

(Note.—Such voter must be registered as required by the registration laws.)

ELECTORS' PRIVILEGES.

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest or summons during their attendance at elections, and in going to and returning from them.—*Code, Sec. 1172.*

ELECTION PRECINCTS.

The place of holding elections shall be in each civil district at some convenient locality, to be designated by the County Court at least six months before the election, and entered of record.—*Code, Sec. 1175.*

The sheriffs of the different counties in this State shall open and hold the elections provided for, according to the rules, regulations, and restrictions required by law, and if there be no sheriff, or if he be a candidate, the coroner shall hold the elections; or if there be no coroner, or if he be incompetent, then the election shall be held by some person appointed by the County Court, and said officer or person shall appoint a sufficient number of deputies to hold said elections.—*Code, Secs. 1157-1178.*

(Note.—The Commissioners of Registration and Election Commissioners now perform the duties formerly imposed upon the sheriff, coroner, and other officers of opening and holding elections, returning the results, and issuing certificates of election.—*Acts 1897, Ch. 16.*)

The Commissioners of Registration appoint all the officers of elections, and the judges or inspectors and clerks of election.—*Acts 1897, Ch. 16.*

In case of failure at a particular voting place to appoint officers, any justice of the peace present, or, if none be present, any three freeholders may perform the duties of holding the election, or, in case of necessity, may act as officers or inspectors.—*Code, Sec. 1184.*

OATHS OF JUDGES.

The officer or person holding any election, or some justice

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of the peace, before the opening of the polls, shall administer to the judges appointed to hold the election the following oath:

"You do solemnly swear that as judge of this election you will suffer no one to vote whom you know of your own knowledge or who appears, either by his own oath or by the testimony of others, not to be a qualified voter; that you will not suffer the ballot box to be out of the presence or sight of at least two of your number until every vote is counted out; that you will faithfully and impartially conduct yourselves as judges of this election, and that you will in all respects perform the duties imposed upon you by law as judges and inspectors of this election."—*Code, Sec. 1885.*

OATH OF CLERK OF ELECTION.

The clerks of the different elections shall take the following oath:

"You do solemnly swear that you will faithfully, truly, and impartially discharge your duty as clerk of this election."

Which oath shall be administered by the officer of election, or the justice of the peace, or by one of the judges themselves.—*Code, Sec. 1186.*

COMPENSATION FOR HOLDING ELECTIONS.

The Commissioners of Registration, after the election returns are deposited with them, shall deliver to the Chairman of the County Court a complete list of the judges, clerks, and officers of election, to each of whom said Chairman shall issue a warrant for one dollar.—*Code, Secs. 1187, 1188; Acts 1897, Ch. 16.*

REQUIREMENTS AS TO BALLOTS.

The ballots printed for use at the public expense shall contain the names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party of this State at least ten days previous to the day of election. It shall be the duty of the Chairman of the Board of Commissioners to have printed all necessary ballots for use under the provisions of this article, and he shall cause to be printed upon said ballots the names of candidates so nominated, upon the written request of any one of the candidates so nominated, or upon the written request of any qualified voter,