



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter VII - Elections

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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# Chapter VII - Elections

## Polling Place Campaign Restrictions

### Private Acts of 1975 Chapter 11

**COMPILER'S NOTE:** For general law regarding the subject of this act see T.C.A. 2-7-111.

**SECTION 1.** It shall be unlawful for any person to distribute cards, handbills, placards, or any other vote solicitation material, or to loiter about for the purpose of soliciting votes for or on behalf of any candidate or cause on the grounds of any polling place.

**SECTION 2.** As used in this act, "Grounds" means the area within the boundaries of any tract, parcel, or lot of land on which the polling place is situated.

**SECTION 3.** No special, primary or general election may be held in Montgomery County, Tennessee, unless and until this entire Act has been published in a local newspaper at least (10) ten days prior to the date of any such election. The expense of the publication of the Act shall be paid in like manner as are other expenses.

**SECTION 4.** Any person violating this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) in the discretion of the trial court, and costs.

**SECTION 5.** The Grand Jury in Montgomery County, Tennessee, is hereby vested with inquisitorial powers respecting the enforcement of this Act.

**SECTION 6.** Officers of election in Montgomery County, the Sheriff of Montgomery County, and the Police of the City of Clarksville are authorized to remove any person or material in violation of this Act.

**SECTION 7.** Chapter 420 of the Private Acts of 1955, Chapter 197 of the Private Acts of 1963 and all amendments thereto are repealed.

**SECTION 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Montgomery County by July 1, 1975. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: March 10, 1975

## Elections - Historical Notes

The following is a listing of acts for Montgomery County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 10, divided Tennessee into two separate sections, the Holston Section, which was composed of the Washington and Hamilton Districts and the Cumberland Section, which consisted of the Mero District. Each of these Districts would elect a Representative to the United States Congress, the election taking place on the first Thursday in August, 1796.
2. Acts of 1796 (2nd Sess.), Chapter 4, named the electors from each County who would vote in the selection of a President and Vice President of the United States. The convening of the electors from the Mero District would take place in Nashville.
3. Acts of 1798, Chapter 16, established twelve Senatorial Districts and twenty-four Representative Districts in the General Assembly of the State of Tennessee according to its Constitution. The Mero District was awarded four Senators and eight Representatives. Montgomery County would elect one Representative alone and one Senator along with Robertson County.
4. Acts of 1799, Chapter 46, provided that three Presidential electors would be chosen from the State, one each from the Washington, Hamilton, and Mero Districts. The Act named the people in each County who would meet to choose an Elector. In Montgomery County the duty was given to Duncan Stuart, John Hogan, and Haydon Wells.
5. Acts of 1803, Chapter 24, fixed the number of Presidential Electors to be selected in the State at

- five. The fifth District contained the Counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford, and Dickson who would elect one Elector jointly. The votes from this District would be counted at Nashville in Davidson County on the Monday following the election.
6. Acts of 1803, Chapter 79, determined that the State would send three Representatives to the Congress of the United States, one each from the Eastern Division composed of the Counties of the District at Washington, the Middle Division, composed of the Counties of the Hamilton District, and the Western Division, composed of the Counties of the Mero District.
  7. Acts of 1805, Chapter 64, stated that the enumeration of citizens which was required by a former public act had been completed and the results reported to the General Assembly. The State would have thirteen Senatorial Districts. Robertson, Dickson, Montgomery, and Stewart Counties composed one district and would elect one State Senator among them, the polls to be counted at Clarksville. Of the twenty-six Representatives in the House, Montgomery and Stewart Counties would elect one.
  8. Acts of 1807, Chapter 74, established five Districts for the Electors of the President and the Vice President of the United States. The fifth District contained the Counties of Davidson, Robertson, Montgomery, Stewart, Dickson, Williamson, Maury, Robertson, Bedford, and Hickman. Votes would be tabulated at Nashville.
  9. Acts of 1812, Chapter 5, increased the number of Presidential Electoral Districts in the State from five to eight. The Eighth District was made up of the Counties of Montgomery, Stewart, Robertson, Dickson, Hickman and Montgomery which together would elect one Elector. Votes would be counted and recorded at Charlotte in Dickson County.
  10. Acts of 1812, Chapter 27, established six United States Congressional Districts, in Tennessee, doubling Tennessee's representation in Washington. The Sixth Congressional District was composed of the Counties of Montgomery, Robertson, Dickson, Humphreys, Hickman, Stewart, Maury and Giles.
  11. Acts of 1812, Chapter 57, increased the membership of the General Assembly of Tennessee to twenty Senators and forty representatives. Montgomery, Stewart, and Humphreys Counties would elect one Senator and Montgomery County, alone, would elect one Representative.
  12. Acts of 1815, Chapter 31, organized Tennessee into eight U. S. Electoral Districts for the election of the President of the United States.
  13. Private Acts of 1817, Chapter 4, provided that the election officials whose duty it was to report the returns of the Sixth District, composed of Montgomery, Stewart, and Humphreys Counties, would meet in the home of Phillip Hornberger in Stewart County.
  14. Public Acts of 1819, Chapter 69, divided the State into twenty Senatorial and forty Representative Districts. Montgomery and Robertson Counties would elect one Senator and Montgomery County would elect one Representative alone.
  15. Public Acts of 1822, Chapter 1, established eight U. S. Congressional Districts in the State. Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman Counties composed the Eighth District.
  16. Public Acts of 1823, Chapter 47, formed eleven Electoral Districts for the election of the President and Vice President of the United States. Montgomery, Robertson, Stewart, Dickson, Humphreys and Hickman Counties composed the Tenth District.
  17. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly to twenty Senators and forty Representatives. Montgomery, Robertson, and Dickson Counties made up one Senatorial District. Montgomery County would elect one Representative.
  18. Public Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts. The Tenth District was composed of Montgomery, Robertson, Dickson, Stewart, Humphreys, and Perry Counties.
  19. Public Acts of 1832, Chapter 4, created thirteen United States Congressional Districts and assigned Montgomery County to the Eleventh District along with Robertson, Stewart, Humphreys, Hickman, and Dickson Counties.
  20. Public Acts of 1832, Chapter 9, set up fifteen Electoral Districts for the President and Vice President's election. Montgomery, Robertson, Stewart, Dickson, and Humphreys Counties were in the Thirteenth District.
  21. Public Acts of 1833, Chapter 71, provided that Montgomery, Robertson, and Dickson Counties would constitute one of the twenty State Senatorial Districts and that Montgomery and Robertson Counties together would elect one of the forty Representatives. Polls would be counted at Thomas

Williams' place in Montgomery County for the Senatorial District.

22. Public Acts of 1833, Chapter 76, stated that a Constitutional Convention of sixty members would be called, whose delegates would be elected on the first Thursday and Friday in March, and those selected would meet in Nashville on the third Monday in May to revise, amend, and alter the present State Constitution, or form a new one. Montgomery County would elect one delegate.
23. Public Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the 1835 Constitution, formed fifteen Presidential Electoral Districts in Tennessee. Montgomery, Robertson, Stewart, Dickson and Humphreys formed the Thirteenth District.
24. Acts of 1839-40, Chapter 79, declared that fifteen Electors for the election of the President and Vice President would be chosen. Each Congressional District would elect one elector and two electors would be at-large.
25. Acts of 1842 (Ex. Sess.), Chapter 1, divided the State into twenty-five Senatorial Districts and fifty Representative Districts for the General Assembly. The Counties of Montgomery and Robertson comprised one of the Senatorial Districts and Montgomery County, alone, would elect two Representatives.
26. Acts of 1842 (Ex. Sess.), Chapter 7, established eleven U. S. Congressional Districts in the State. It assigned Montgomery, Robertson, Stewart, Dickson, Humphreys, Benton, and Henry Counties to the Ninth District.
27. Acts of 1851-52, Chapter 196, formed ten U. S. Congressional Districts in the State. The Eighth District contained the Counties of Montgomery, Davidson, Robertson, Stewart, and Dickson.
28. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Montgomery County would elect one Representative alone. Montgomery, Davidson and Robertson Counties constituted one Senatorial District.
29. Public Acts of 1865, Chapter 34, set up eight U. S. Congressional Districts in Tennessee. The Sixth District contained the Counties of Montgomery, Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, and Stewart.
30. Public Acts of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventy-five delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.
31. Public Acts of 1871, Chapter 146, apportioned the representation in the Tennessee General Assembly based on the 1870 Census. Montgomery County would elect one Representative alone, and elect one Representative with Stewart County. Montgomery County would be a part of the Seventeenth State Senatorial District along with the Counties of Robertson and Stewart.
32. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, based on the 1870 Census. The Seventh District was made up of the Counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry, Hardin, and McNairy.
33. Public Acts of 1873, Chapter 27, increased the number of U. S. Congressional Districts in Tennessee from nine to ten and reassigned counties accordingly. The Sixth U. S. Congressional District included the Counties of Montgomery, Davidson, Cheatham, Dickson, Humphreys, Houston, and Stewart.
34. Public Acts of 1881 (Ex. Sess.), Chapter 5, established the number of State Senators at thirty-three and the number of Representatives at ninety-nine.
35. Public Acts of 1881 (Ex. Sess.) Chapter 6, apportioned the State Senatorial and Representative Districts. Montgomery County elected two Representatives. The Counties of Montgomery and Houston would together elect one Representative. Montgomery and Stewart Counties composed the Twenty-first Senatorial District.
36. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Sixth Congressional District was made up of the counties of Montgomery, Davidson, Robertson, Cheatham, Stewart, Humphreys, and Houston.
37. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the state according to the 1890 Census. Montgomery County would elect one Representative alone and one Representative along with Houston County. The Fifteenth Senatorial District contained the Counties of Montgomery and Robertson.

38. Public Acts of 1891, Chapter 131, divided Tennessee into ten U. S. Congressional Districts. The Sixth U. S. Congressional District was composed of Montgomery, Davidson, Robertson, Cheatham, Stewart, Humphreys, and Houston Counties.
39. Acts of 1901, Chapter 109, formed ten U. S. Congressional Districts in the State with Montgomery County in the Sixth District along with Davidson, Robertson, Cheatham, and Stewart Counties.
40. Acts of 1901, Chapter 122, was the last reapportionment of the General Assembly for more than sixty years. The Fifteenth Senatorial District included the Counties of Montgomery, Robertson, Cheatham, and Stewart Counties.
41. Acts of 1903, Chapter 567, amended Public Acts of 1890 (Ex. Sess.), Chapter 24, which was a general voting and registration procedures act for counties with a population greater than 70,000, by making it applicable to Montgomery County. However, the registration provision of the act would not be applicable in Civil Districts of Montgomery County with a population of less than 2,499. The general law had provided for uniform, printed ballots, and had established balloting procedures and regulations for registrars, for registration of voters and for the manner of voting.
42. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, authorized the County Registrar's office in Montgomery County to appoint a Deputy Registrar to be paid \$900 per year from the excess fees of the office.
43. Private Acts of 1933, Chapter 176, called for a referendum election on whether to issue bonds to pay salaries of rural school teachers. The election would be held under the general election laws of the State and County and the results would be certified to the proper officials.
44. Private Acts of 1933, Chapter 599, fixed the compensation of the County Registrars at \$3,600 annually but if the fees, commissions, and emoluments of the office were less than \$3,600, then the compensation would equal the lesser amount.
45. Private Acts of 1955, Chapter 420, prohibited the distribution of cards, handbills, or placards on behalf of a candidate within one thousand feet of a polling place during the hours of election. Certain items could be posted prior to the opening of the poll. Violation was declared a misdemeanor. The act was repealed by Private Acts of 1975, Chapter 11, reprinted herein.
46. Private Acts of 1963, Chapter 197, amended Private Acts of 1955, Chapter 420, by providing that any vote solicitation posters placed at a polling place could not exceed ten inches by sixteen inches in size.

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