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# Private Acts of 1933 Chapter 212

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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.

Sincerely,

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# Private Acts of 1933 Chapter 212

**COMPILER'S NOTES:** Quarterly County Courts were abolished in 1978 and were replaced by the county legislative body (also referred to as Board of County Commissioners). See T.C.A. § 5-5-101 et seq. In the act reproduced above, references to the "Quarterly County Court" now refer to the county legislative body. \

Voting procedure for the election of county officers is governed by T.C.A. § 5-5-116, but the Tennessee Supreme Court has held that the statute is entirely directory. *State ex rel. Wolfe v. Henegar*, 175 S.W.2d 553 (Tenn. 1943). Therefore, Section 1 of Private Acts of 1933, Chapter 212 governing voting procedure for election of county officers probably has not been superseded by the statute.

**SECTION 1.** That in counties having a population of not less than 46,525 and not more than 46,530 according to the Federal Census of 1930, or any subsequent Federal Census, the Quarterly County Courts when electing any county officer, which under the law they are empowered to elect, shall cast their votes by calling the name or names of the candidates for whom they desire to vote when the roll of the Court is called by the County Court Clerk for the purpose of ascertaining and recording the vote and/or votes of the members of said courts in the election or elections of county officers as aforesaid. It shall be mandatory for the vote in the election of county officers by the County Court to be so ascertained and the clerk of the court shall record the vote of each and every member of the court, and the minutes of the court shall show how each and every member of the County Court voted or for whom each voted in the election of county officers. No person shall be legally elected to any county office in the counties coming under the provision of this Act by the said Courts to any county office, unless the vote is so taken and so recorded, and no one shall hold any county office in the counties coming under the provisions of this Act until the provisions of this Act are complied with.

**SECTION 2.** That the Quarterly County Court in the counties coming under the provisions of this Act, in voting on appropriations of County funds for any purpose, shall in each and every instance wherein the amount or any item shall be in the amount of Fifty Dollars (\$50.00) or in excess thereof, in response to a roll call by the County Court Clerk vote aye or a no, and the record or minutes of the court shall show how each and every member of the court voted on said item. No appropriation for any one item in the amount of Fifty Dollars (\$50.00), or in excess thereof, shall be deemed to have been approved by the Quarterly County Court in the counties coming under the provisions of this Act, unless the minutes of the court show how each and every member voted on each particular item mentioned above, and in no case shall any such appropriation of the amount above designated be deemed to have been made by the Quarterly County Courts in counties coming under the provisions of this Act, unless a majority of the members of said court vote said appropriation and the record show that the majority of the court did so vote.

**COMPILER'S NOTE:** Voting on appropriations of any amount is governed by T.C.A. § 5-9-302. The provisions of the 1933 act appear not to conflict with the statutory requirements, but provide additionally that any appropriations over \$50 which are not properly approved and recorded shall be void.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 30, 1933.

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