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Chapter VII - Elections

Dear Reader:

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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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Chapter VII - Elections

Advisory Referendum

Hospital Construction

Private Acts of 1999 Chapter 1

SECTION 1. The county legislative body of Lincoln County, Tennessee, by resolution is authorized to direct the county election commission to call an election for an advisory referendum, to be held in the regular election or in a special election, for the purpose of determining the will and wishes of a majority of the qualified voters of Lincoln County, Tennessee, participating in such election on the question of whether or not the Industrial Development Board of the City of Fayetteville and Lincoln County and the county government of Lincoln County should proceed with the building and equipping of a new hospital to be located in Lincoln County on real estate owned by Lincoln County, Tennessee and purchased for this purpose.

SECTION 2. The Lincoln County Election Commission shall hold such election at the earliest possible date in conformity with the general election laws of the State of Tennessee. The single issue shall be presented on the ballot as follows:

For the building and equipping of a new hospital_____

Against the building and equipping of a new hospital_____

SECTION 3. The ballots used in the advisory referendum election shall have printed on them the text required in Section 2 and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by Lincoln County.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Lincoln County. Its approval or nonapproval shall be proclaimed by the presiding officer of Lincoln County and certified to the Secretary of State.

SECTION 5. 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.

Passed: January 16, 1999.

Elections - Historical Notes

Districts - Reapportionment - Civil Districts

The acts listed below have affected the civil districts in Lincoln County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 163, Section 23, changed the boundary lines between the 19th and the 20th Civil Districts of Lincoln County so that the town of Camargo is included wholly within the 19th Civil District.
2. Acts of 1857-58, Chapter 122, amended the act passed on December 16, 1837, incorporating the town of Petersburg so as to authorize the voters of the Civil District in which the said town is located to elect an additional Constable who shall reside within the city of Petersburg and have all the rights, powers, and privileges of other constables.
3. Private Acts of 1925, Chapter 733, divided Lincoln County into seven Civil Districts which were composed of whole former Civil Districts. Two Justices of the Peace would be elected from each District plus an additional one for each incorporated city therein. The act created a Board of County Commissioners composed of five citizens selected by the county court who would meet at least once each month and transact all the financial business of the county. The commissioners would be paid an amount set by the county court which would in no event exceed \$500.00 per year. This act was repealed by the one following.

4. Private Acts of 1927, Chapter 685, expressly and entirely repealed Chapter 733, Private Acts of 1925, above.
5. Private Acts of 1935, Chapter 125, abolished the existing 25 Civil Districts of Lincoln County and proceeded to create nine Civil Districts composed of whole former Civil Districts. In the August, 1936 election the voters of each District created herein would elect two Justices of the Peace and a Constable except the District containing the county seat would elect three Magistrates and two Constables. Present Magistrates would continue in office until September 1, 1936 when their elected successors would assume their offices.
6. Private Acts of 1939, Chapter 3, abolished the nine Civil Districts created by the act above and created twenty-five, as they formerly existed before that act was enacted. The people would elect their Magistrates and Constables in August, 1940 but this act names those who would hold the offices until that is done.
7. Private Acts of 1959, Chapter 344, divided the county into thirteen new Civil Districts which were composed of whole former Civil Districts. Two Justices would be elected for each District except the 8th Civil District which would elect one more. Present Justices would continue in office until new Districts would become effective. This act was rejected by the Quarterly Court of Lincoln County and never became a law.
8. Private Acts of 1969, Chapter 22, arranged Lincoln County into sixteen voting districts. A provision was included that the present Justices of Peace continue in office until Justices of the Peace were elected from each newly defined district. The act further provided for two Justices of the Peace to be elected from each of the sixteen districts. This act was repealed by Private Acts of 1978, Chapter 286.

Elections

The following is a listing of acts for Lincoln 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 are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1812, Chapter 5, divided Tennessee into 8 Presidential Electoral Districts, assigning the counties of Williamson, Maury, Giles, and Lincoln to the Seventh District whose polls would be counted in Columbia, in Maury County.
2. Acts of 1812, Chapter 27, created Six United States Congressional Districts in the State. The 5th District was composed of the counties of Williamson, Bedford, Davidson, Lincoln, and Rutherford.
3. Acts of 1812, Chapter 57, reapportioned the State into 20 Senatorial Districts and 40 Representative Districts. Lincoln and Giles counties would compose one Senatorial District and count the vote at Fayetteville. Each county would elect one Representative except those named which would elect the number specified.
4. Acts of 1813, Chapter 47, made it the duty of the Sheriff of Lincoln County to hold separate elections on the constitutional election days at the house of Samuel Isaacs on Mulberry Creek and at the house of William McMillan on Swan Creek. The vote would be counted and the return thereon made at Fayetteville on the next day. The Sheriff would appoint two disinterested people as Judges of the election.
5. Acts of 1815, Chapter 31, divided Tennessee into Presidential Electoral Districts and fixed the procedures to be followed. The counties would remain in the Districts to which they had been previously assigned. Electors would be paid \$2.50 per day for each day spent in the discharge of their duties.
6. Acts of 1819, Chapter 69, apportioned Tennessee for the General Assembly. Lincoln and Giles counties composed one Senatorial District and would elect one Senator. Lincoln County would elect one Representative alone.
7. Acts of 1822, Chapter 1, assigned Bedford, Giles, Maury, and Lincoln Counties to the 6th U.S. Congressional District out of the right into which the State was divided.
8. Acts of 1823, Chapter 47, divided Tennessee into eleven Presidential Electoral Districts. The Ninth District contained the counties of Lincoln, Giles, and Lawrence and the polls would be compared and certified at Pulaski, in Giles County.
9. Acts of 1824, Chapter 1, was identical to the 1823 act above putting Lincoln into the 9th Electoral District, all other things as they were.
10. Acts of 1826, Chapter 3, reapportioned the State into 20 Senatorial and 40 Representative

- Districts. Lincoln and Giles would elect one Senator between them, and Lincoln would elect one Representative alone. Polls in the Senatorial contest would be counted at Pulaski, in Giles County.
11. Acts of 1827, Chapter 17, delineated eleven Presidential Electoral Districts in the State, allotting Lincoln, Giles, Lawrence, Hardin, and Wayne counties to the 8th Electoral District.
 12. Acts of 1832, Chapter 4, created thirteen U.S. Congressional Districts in Tennessee of which the 10th District contained the counties of Lincoln, Giles, Lawrence, Wayne, and Hardin.
 13. Acts of 1832, Chapter 9, divided the State into fifteen Presidential Electoral Districts. The Eleventh District had Lincoln, Giles, and Lawrence counties in it.
 14. Acts of 1833, Chapter 13, stated that a precinct election is established at Stone's Store off the west fork of Norris Creek in Lincoln County for the election of the President, Governor, and General Assembly.
 15. Acts of 1833, Chapter 31, established an election precinct at Holman's Store in Lincoln County for the same elections and under the same terms and conditions.
 16. Acts of 1833, Chapter 71, apportioned the State into 20 Senatorial and 40 Representative Districts. Lincoln and Giles counties would elect one Senator jointly and count the polls at John Kennedy's in Giles County. Lincoln would continue to have its sole Representative in the State House of Representatives.
 17. Acts of 1833, Chapter 76, authorized the election of the sixty delegates to the constitutional convention which would be convened on the third Monday in May in Nashville. The election would be held on the first Thursday and Friday in March. Lincoln and Giles made up one District and would elect three delegates.
 18. Acts of 1835-36, Chapter 39, separated the State into fifteen Presidential Electoral Districts of which the eleventh contained Lincoln, Giles, and Lawrence counties.
 19. Acts of 1839-40, Chapter 79, provided that hereafter the Presidential Electoral Districts would correspond to the U.S. Congressional Districts of the State plus two who would be elected by the State at large.
 20. Acts of 1842 (Extra Session), Chapter 1, subdivided the State into Senatorial and Representative Districts. Lincoln and Franklin counties would compose one Senatorial District which would compare polls at Salem in Franklin County. Lincoln County would elect one Representative alone and share another with Giles County with the polls to be counted and compared at Major Smith's home in Lincoln County.
 21. Acts of 1842 (Extra Session), Chapter 7, set up the eleven United States Congressional Districts in the State assigning Franklin, Lincoln, Bedford, and Marshall counties to the Fifth.
 22. Acts of 1851-52, Chapter 196, established ten U.S. Congressional Districts in the State. The Sixth District had the counties of Franklin, Bedford, Marshall, Lincoln, and Maury in it.
 23. Acts of 1851-52, Chapter 197, apportioned the General Assembly of the State. Lincoln County would elect one Representative alone and share another one with Giles and Marshall counties counting the polls at the residence of W.F. Smith. Franklin and Lincoln would make up one Senatorial District, all polls being taken to Lynchburg.
 24. Acts of 1859-60, Chapter 47, stated that the Sheriff of Lincoln County, or his Deputy, was authorized to open and hold an election in the village of Mulberry in the Sixth Civil District of the county in all federal, state, and local elections.
 25. Acts of 1865, Chapter 39, was the first post Civil War Act to apportion the State, organizing eight U.S. Congressional Districts. The Fourth District contained the counties of Rutherford, Cannon, Coffee, Franklin, Lincoln, Bedford, Marshall, and Giles.
 26. Private Acts of 1866-67, Chapter 45, authorized the Quarterly Court of Lincoln County to establish an additional voting precinct at Bell's Store on Norris Creek, in the 6th Civil District.
 27. Acts of 1871, Chapter 147, reorganized Tennessee into Senatorial and Representative Districts. Lincoln County would elect one Representative alone and share another with Giles County. Marshall, Franklin, and Lincoln counties composed the 13th State Senatorial District.
 28. Acts of 1872, Chapter 7, apportioned Tennessee according to the 1870 Federal Census into nine U.S. Congressional Districts of which the 4th was composed of the counties of Franklin, Lincoln, Marshall, Bedford, Coffee, Cannon, and Rutherford.
 29. Acts of 1873, Chapter 27, again divided the State into U.S. Congressional Districts, this time into ten. Franklin, Lincoln, Marshall, Moore, Bedford, Coffee, and Rutherford Counties made up the Fifth District.

30. Acts of 1881, Chapter 5, stated that from the passage of this act forward the number of Senators in the General Assembly would be 33, and the number of Representatives would be 99.
31. Acts of 1881, Chapter 6, reapportioned the State according to the dictates of the preceding act. Lincoln County would elect one Representative alone and share another one with Moore County. Lincoln County and Giles County would compose the 17th State Senatorial District.
32. Acts of 1882 (Ex. Sess.), Chapter 27, delineated the ten U.S. Congressional Districts of the State. The Fifth contained the counties of Cannon, Coffee, Franklin, Lincoln, Moore, Marshall, Bedford, and Rutherford.
33. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned Tennessee, according to the 1890 Census, for the General Assembly. Lincoln Retained its own Representative and would share a floater with Bedford and Moore counties. Lincoln County and Marshall County constituted the 21st State Senatorial District.
34. Acts of 1901, Chapter 109, set up ten U.S. Congressional Districts in Tennessee. The 5th U.S. District consisted of the counties of Dekalb, Cannon, Rutherford, Marshall, Bedford, Moore, and Lincoln.
35. Acts of 1901, Chapter 122, reapportioned the State in accord with the 1900 Federal Census. Lincoln and Marshall Counties were the 19th State Senatorial District. Lincoln would elect one Representative alone and share another one with Bedford and Moore Counties.
36. Public Acts of 1979, Chapter 190, stated that effective January 1, 1980, all nominating petitions, instruction cards, applications for ballot forms, and the rules and regulations regarding qualifying for public office would be available in large print and recorded form for the citizens of Tennessee who have visual impairments.

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