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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

Party Primaries

Private Acts of 1933 Chapter 834

COMPILER'S NOTE: This act was repealed by Private Acts of 1981, Chapter 120, but Private Acts of 1981, Chapter 159, revived and restored the act along with its amendments.

SECTION 1. That in counties having a population of not less than 26,430 nor more than 26,440 according to the Federal Census of 1930 or any subsequent Federal Census, all party nominations of candidates for county offices shall be made in party primary elections held for each political party in the manner, at the time under the requirements prescribed by this Act, and unless this Act is complied with party nominations falling within the terms of same shall not be placed upon the official ballots provided for by the laws of this State for general elections, provided that this Act shall not apply to nonpartisan candidates or candidates desiring to become candidates independent of party nominations, nor shall it apply to persons of any party nominations nor shall it apply to persons of any party affiliation which party did not at the general November election next preceding the primary election cast more than thirty (30%) per cent of the entire vote of the county for such party's nominee for Governor.

SECTION 2. That on the first Saturday in April of even-numbered years beginning with the year 1952 and biennially thereafter, there shall be held in all voting precincts of counties to which this Act is applicable, primary elections for making the nominations provided for in the preceding section, the said primary elections to be held within the legal hours for election now applicable thereto by the general laws of the State.

As amended by: Private Acts of 1951, Chapter 215
Private Acts of 1953, Chapter 330

SECTION 3. That in case no candidate for any office shall receive a majority of all the votes cast for such office then the two parties receiving the highest number of votes shall oppose each other in a run-off election, which run-off election shall be held on the fourth Saturday in April next following such original primary. The person receiving the highest number of votes at such run-off election shall be declared the party nominee for the office sought by him. Returns of such run-off election shall be declared the party nominee for the office sought by him. Returns of such run-off primary election shall be canvassed in the same manner as those of the original primary.

As amended by: Private Acts of 1939, Chapter 170
Private Acts of 1941, Chapter 11
Private Acts of 1953, Chapter 330

COMPILER'S NOTE: Private Acts of 1951, Chapter 215, deleted this section from the act but the section was revived and restored with the passage of Private Acts of 1953, Chapter 330 and Private Acts of 1981, Chapter 159.

SECTION 4. That the qualifications of candidates who enter the primary provided for by this Act shall be the same as are required now by the General Primary Election Laws contained in the Code of Tennessee, Sections 2180 and 2227 inclusive.

SECTION 5. That the qualifications of voters participating in the primary provided for by this Act shall be the same as are required in the General Primary Election Laws contained in the Code of Tennessee, Sections 2180 to 2227 inclusive, [COMPILER'S NOTE: Private Acts of 1939, Chapter 168, repealed the remaining portion of this act, which was an amendatory provision provided by Private Acts of 1935, Chapter 406, without offering any substitution.]

As amended by: Private Acts of 1935, Chapter 406
Private Acts of 1939, Chapter 168

SECTION 6. That any Act or deed declared by the general laws or by the General Primary Laws of the State, to be an offense in the case of an officer, shall be an offense and shall be punishable in the same form and manner as is prescribed by law.

SECTION 7. That the expense of the primary elections provided for by this Act shall be borne by the candidates participating under such rules as the County Executive Committee may provide.

SECTION 8. That the County Executive Committee is hereby authorized and directed to make such rules

and regulations not inconsistent with this Act or with other applicable election laws as may be necessary and proper for conducting the primary elections herein provided. For the purpose of making such rules and regulations the County Executive Committee shall meet on the first Saturday in February at one P.M., at the court house, in each year in which a primary election provided for by this Act is to be held.

As amended by: Private Acts of 1951, Chapter 215

Private Acts of 1953, Chapter 330

SECTION 9. That the primary elections provided for by this Act shall be conducted by the County Executive Committee of the party affected. The membership of such County Executive Committee shall be selected in accordance with any applicable provisions of general law and rules of the party affected.

As amended by: Private Acts of 1951, Chapter 215

Private Acts of 1981, Chapter 159

SECTION 10. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1933.

Elections - Historical Notes

Districts - Reapportionment

The acts listed below have affected the civil districts in Henry County, but are no longer operative regarding elections.

1. Acts of 1901, Chapter 370, changed the boundary line between the Thirteenth and Fourteenth Civil Districts of Henry County in order to make the Nashville, Chattanooga, and St. Louis Railway the boundary line between the two districts and the voting place for both districts was in that portion of each district which laid within the town limits of Puryear.
2. Acts of 1903, Chapter 577, reduced the number of Civil Districts in Henry County by abolishing certain districts and annexed the territories into the remaining districts. The voting precincts remained unchanged. The Justices of the Peace whose districts were abolished had to turn over their dockets and office papers to the Justices of the Peace in which their district had become a part of.
3. Acts of 1905, Chapter 216, amended Acts of 1903, Chapter 577, by changing the Twenty-third Civil District to the Fourteenth Civil District. The Election Commissioners of Henry County were authorized to call an election for the new Civil District for the purpose of electing two Justices of the Peace, one Constable, Tax Assessor and three School Directors.
4. Acts of 1907, Chapter 587, created the Fifteenth Civil District in Henry County from parts of the Twenty-first and Thirteenth Civil Districts. The act also set the boundaries for the Fifteenth Civil District.

Elections

The following is a listing of acts for Henry 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. Public Acts of 1822, Chapter 1, divided Tennessee into nine districts for the election of Representatives to the Congress of the United States. Henry, Hardin, Perry, Lawrence, Carroll, Henderson, Madison and Shelby Counties comprised the Ninth District. The act provided for the Sheriffs to certify to the Governor the votes received by each candidate. The Governor would then notify the successful candidate. Failure of the Sheriff to perform his duties constituted a misdemeanor.
2. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly into 20 Senatorial and 40 Representative Districts. One Senator would be elected jointly by Henry, Weakley, Obion, Carroll, Gibson and Dyer Counties, and Henry and Weakley Counties would elect one Representative.
3. Public Acts of 1832, Chapter 4, divided Tennessee into thirteen U.S. Congressional Districts, placing in the Twelfth District the Counties of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Carroll and Henry.
4. Public Acts of 1833, Chapter 71, reapportioned the State for the General Assembly which would be composed of twenty Senators and forty Representatives. The Counties of Henry, Carroll, Weakley and Obion Counties would elect one Senator and Henry, Carroll and Madison Counties would elect one Representative.

5. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the State for the General Assembly into twenty-five Senatorial Districts and fifty Representative Districts. Henry, Weakley and Obion Counties made up the Twenty-first Senatorial District with the polls being counted at Dresden. The act provided for Henry to elect one Representative and the polls to be counted at the courthouse in the County.
6. Acts of 1842 (2nd Sess.), Chapter 7, provided for eleven U.S. Congressional Districts in Tennessee. The Ninth District contained Robertson, Montgomery, Stewart, Dickson, Humphreys, Benton and Henry Counties.
7. Acts of 1851-52, Chapter 196, formed ten U.S. Congressional Districts in the State. The Counties of Henry, Weakley, Dyer, Obion, Lauderdale, Tipton, Gibson, Carroll and Henderson were assigned to the Ninth District.
8. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Henry County would elect one Representative. The Counties of Henry, Weakley and Obion would jointly elect one Senator.
9. Public Acts of 1865, Chapter 34, was the first apportionment act subsequent to the Civil War and it divided Tennessee into eight U.S. Congressional Districts. The Seventh U.S. Congressional District consisted of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale, Henderson and Carroll Counties.
10. 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.
11. Public Acts of 1871, Chapter 146, reapportioned Tennessee for the General Assembly based upon the 1870 Federal Census. Of the fifty Representatives, Henry County would elect one alone. Henry, Carroll, Weakley and Gibson Counties would jointly elect one of the twenty-five Senators.
12. Acts of 1872 (Ex. Sess.), Chapter 7, created nine U.S. Congressional Districts with Henry, Montgomery, Houston, Stewart, Humphreys, Benton, Carroll, Henderson, Decatur, Perry, Hardin and McNairy Counties making up the Seventh District.
13. Public Acts of 1873, Chapter 27, added a tenth U. S. Congressional District to the State and rearranged the county assignments of each District. The Eighth District contained Henry, Benton, Carroll, Perry, Decatur, Hardin, McNairy, Henderson and Madison Counties.
14. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned Tennessee into districts. The act provided for Henry to elect one Representative and elect another Representative jointly with Weakley County. Weakley and Henry Counties composed the Twenty-seventh Senatorial District.
15. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Counties of Henry, Benton, Perry, Decatur, Hardin, McNairy, Henderson, Madison and Carroll composed the Eighth Congressional District.
16. Acts of 1891 (Ex. Sess.), Chapter 10, provided that Henry would elect one Representative and jointly elect another Representative with Benton and Decatur Counties. Henry and Carroll Counties composed the Twenty-fifth State Senatorial District.
17. Acts of 1901, Chapter 109, divided the State into ten U. S. Congressional Districts. The Eighth District was composed of Henry, Benton, Carroll, Perry, Decatur, Henderson, Chester, Madison, McNairy and Hardin Counties.
18. Acts of 1901, Chapter 122, apportioned the representation for the General Assembly of Tennessee based upon the 1900 Federal Census. Henry and Carroll Counties made up the Twenty-fourth Senatorial District. Henry would elect one Representative and would elect another Representative jointly with Weakley and Carroll.
19. Private Acts of 1919, Chapter 366, provided for each Registrar in Henry County to be paid \$3 per day for each day devoted to the discharge of the duties of that office and to be paid fifty cents for each list of certified voters.
20. Private Acts of 1919, Chapter 573, provided for the Registrars in Henry County to be paid \$3 per day for each day devoted to the discharge of their duties and to be paid fifty cents for each list of certified voters.
21. Private Acts of 1945, Chapter 581, provided that in Henry County the Judges, Clerks and officials would be paid \$2 per day for service as an election official. The Commission of Elections and

Primary Board was authorized to certify the election officials to the County Judge or Chairman after the election, so the compensation could be paid.

22. Private Acts of 1947, Chapter 565, provided for the County Commissioners of Election in Henry County to be paid \$15 each for each general election or registration held and for each member of the Party Primary Boards to be paid \$15 for each primary election held. The compensation would be paid out of the county funds by the County Trustee on the warrant of the County Judge.
23. Private Acts of 1981, Chapter 120, repealed Private Acts of 1933, Chapter 834, and its amendments, herein. Private Acts of 1981, Chapter 120, was repealed by Private Acts of 1981, Chapter 159, which revived Private Acts of 1933, Chapter 834, and all its amendments.

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