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# Nominations and Qualifying Deadlines

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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.

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# Nominations and Qualifying Deadlines

Reference Number: CTAS-858

## Statewide Organization of Political Parties

Reference Number: CTAS-859

Organization of the party begins with the state executive committee of each political party, since it also functions as the state primary board for the party. T.C.A. § 2-13-102. Members of this committee are elected in the regular August primary election immediately prior to the election for governor. One man and one woman from each party are elected from every senatorial district to serve four-year terms beginning on September 15 following their election. They must take the oath of office, filing it with the state coordinator of elections. T.C.A. § 2-13-103.

The state executive committee is to meet at least once in even-numbered years to appoint the county primary boards, made up of five people from each county appointed for two year terms. T.C.A. § 2-13-108. The members of this board are chosen from a list of names submitted by county executive committees, although two of the members may be appointed without regard to the lists if the names on them are not fairly divided among the elements of the party. If no list is submitted, the state primary board is to draw up its own list from which to make appointments, or it may designate the county election commission to act as the county primary board. T.C.A. § 2-13-110.

## Nominating Process

Reference Number: CTAS-860

There are several methods by which a candidate may appear on the ballot. One method, party primary at the regular August election, is statutorily required for several offices: (1) governor, (2) members of the General Assembly, (3) U.S. Senator, and (4) members of the U.S. House of Representatives. T.C.A. § 2-13-202. Nominations for offices other than those listed above can be made either by primary or by any other method authorized under party rules. T.C.A. § 2-13-203. The office of the coordinator of elections should be contacted for information regarding procedures for recognizing a new political party.

In 2011, the General Assembly removed the code provisions relative to candidates appearing on a ballot as the nominee of a local political party and provided that no person's name may be shown on a ballot as the nominee of a political party for any office to be voted on by the voters of a county, unless the political party: (1) Is a statewide political party or a recognized minor party; and (2) Has nominated the person substantially in compliance with Chapter 13 of Title 2.

In an election involving only voters of one county or part of one county, candidates nominated by a method other than primary are to be certified to the county election commission by the qualifying deadline. If a method other than primary election is used to fill an office involving voters in more than one county, the candidate is to be certified to the coordinator of elections, who then certifies that candidate to the election commissions in the proper counties. T.C.A. § 2-13-203.

According to T.C.A. § 2-13-203, if a statewide political party decides to nominate by primary election, the county executive committee shall, at least ninety 180 days before the qualifying deadline, direct, in writing, the county election commission of each county whose voters are entitled to vote to fill the office to hold the election. The decision to nominate by primary election may be revoked up until 90 days before the qualifying deadline. Primaries, if any, for nominating candidates for any office which will appear on the regular August election ballot shall be held on the first Tuesday in May before the August election. In the years in which an election will be held for president of the United States, a political party primary for offices to be elected in the regular August election may be held on the same day as the presidential preference primary. In such event, the qualifying deadline for candidates and for delegate-candidates shall be twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a)(2).

## Nominating Petitions

Reference Number: CTAS-861

All independent and primary candidates must submit a nominating petition in order for their names to appear on the ballot. (Candidates nominated by a method other than primary, however, are certified directly to the election commission by the party.) T.C.A. § 2-5-101. Nominating petition forms are furnished by the county election commission and, for some offices, by the coordinator of elections. T.C.A. § 2-5-102. These petitions are not to be issued more than 60 days before the qualifying deadline for the

office sought. T.C.A. § 2-5-102(b)(5).

For most offices, the nominating petition must be signed by the candidate as well as a minimum of 25 or more registered voters who are eligible to fill the office (presidential and delegate candidates have different requirements). Either the signer's normal or legal signature is acceptable. The voter must also include the residence or other address as shown on the voter registration card. Including additional information on the petition that does not appear on the voter registration card will not disqualify the signature if there is no conflict in the information. T.C.A. § 2-5-101.

## Restrictions on Candidacy

Reference Number: CTAS-862

Under T.C.A. § 2-5-101, there are certain restrictions on how a candidate may qualify:

1. No one may qualify with more than one political party for the same office;
2. No one may qualify as an independent and a primary candidate for the same office in the same year;
3. No one defeated in the primary or party caucus may qualify or appear on the ballot as the nominee of a different political party or as an independent in the general election;
4. No primary candidate may appear on the ballot for the general election as a nominee of a different political party or as an independent; and
5. No one may qualify for more than one state office or more than one constitutional county office or countywide office in an election. (Note that unless the qualifications for a particular office prevent it, a candidate may run for one county and one state office in the same election.)

## Qualifying Deadlines and Procedure

Reference Number: CTAS-863

Candidates are required to qualify for an election by certain statutorily prescribed times. Although these times vary in certain circumstances, the default rule is that a candidate must qualify by 12 noon, prevailing time, on the third Thursday in the third calendar month before an election or a primary. T.C.A. § 2-5-101. However, there are a number of exceptions based on the office sought and whether or not a primary is being held. For information on specific qualifying deadlines for any election or primary it is always advisable to call the county election commission, regarding local elections, or the state coordinator of elections regarding state elections.

Candidates for some offices are required to file certified duplicate copies of the original nominating petition. For example, candidates for statewide offices, as well as for representative to the U.S. Congress, must file the original petition with the State Election Commission and file duplicates with the coordinator of elections and the party's state executive committee (for primary candidates only). T.C.A. § 2-5-103. Candidates for other offices must file the original nominating petition with the county election commission in the county of residence, and file duplicates with the election commissions of all counties served by the office which the candidate seeks. T.C.A. § 2-5-104.

Candidates for chief administrative officer of county highway departments are required to certify their qualifications under the County Uniform Highway Law by filing affidavits with the Tennessee Highway Officials Certification Board at least 14 days before the qualifying deadline. This board is responsible for certifying that the qualifications are acceptable. This certification, which is filed with the qualifying petition, is required before the candidate's name may be placed on the ballot. All correspondence with this board should be submitted through the office of the coordinator of elections. T.C.A. § 54-7-104.

Any candidate for a judicial office that must be filled by an attorney must certify that he or she is licensed to practice law in this state and must place his or her supreme court registration number on the nominating petition. T.C.A. § 2-5-106.

Similarly to highway officials, sheriffs must file certain materials with the POST Commission 14 days prior to the qualifying deadline for election to the office of sheriff. The POST Commission is responsible for certifying to the election commission that the qualifications are acceptable. This certification is required before the candidate's name may be placed on the ballot. See T.C.A. § 8-8-102 for more details on these requirements.

## Write-In Candidates

Reference Number: CTAS-864

Any person trying to receive a party nomination or be elected by write-in ballot must complete a notice to the county election commission of each county of the district requesting that his or her ballots be counted no later than 50 days before the primary or 50 days before a general election. T.C.A.

§§ 2-7-133 and 2-8-113. The county election commission is required to promptly notify the state coordinator of elections and the registry of election finance as well as other candidates participating in the affected primary or election of the write-in notice. A write-in candidate will only have votes counted in counties where the notice was completed and timely filed. Write-in candidates for the offices of governor, United States Senator, and members of the United States House of Representatives are required to file their notice with the state coordinator of elections. In a primary election, a write-in candidate for that office must receive a vote equal to at least 5 percent of the total number of registered voters of the district, and receive more votes than any other candidate, to receive the party's nomination. T.C.A.

§ 2-8-113. Furthermore, a write-in candidate for county or municipal office must receive a minimum of 25 votes in the primary before being placed on the ballot for the general election, a requirement that cannot be modified by private act or charter. T.C.A. § 2-5-219. In an election where voting machines are used, a voter may write-in a name not listed on the ballot if the voter requests a paper ballot from the ballot judge before operating a voting machine. After receiving a paper ballot, a voter may not enter a voting machine. T.C.A. § 2-7-117.

A candidate defeated in a primary election shall not complete a notice requesting write-in ballots to be counted in the general election, and any write-in votes cast for the candidate in the general election must not be counted. T.C.A. § 2-7-133.

## Tie Votes

Reference Number: CTAS-865

According to T.C.A. § 2-8-111, the following bodies are to cast the deciding vote (or call for a runoff election) if any of these general elections results in a tie:

1. Elections involving a single county or a part of a county - county legislative body (or the legislative body may call for a runoff);
2. Municipal elections - municipal legislative body (or the legislative body may call for a runoff);
3. Elections for U.S. Congress - governor;
4. Election for governor - General Assembly;
5. Any other election except U.S. Senator (see below) - state election commission.

If a tie vote occurs in a primary election, the tie shall be broken according to the rules of the political party. T.C.A. § 2-8-114. An election for U.S. Senator is void if it results in a tie, and the governor is to order a special election. T.C.A. § 2-8-111.

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