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# Private Acts of 1947 Chapter 684

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Private Acts of 1947 Chapter 684

**COMPILER'S NOTE:** This act may have been superseded by Tennessee Code Annotated title 2, chapter 2.

**SECTION 1.** That, in order to stimulate greater interest and participation in all elections, to facilitate the voting processes by doing away with the present burdensome periodic registration, to insure the freedom and purity of the ballot box by preventing plural and fraudulent voting, all Counties of the State of Tennessee having a population of not less than 180,000 nor more than 181,000 inhabitants according to the Federal Census of 1940, or according to any subsequent Federal Census, are exempted from the operation of Sections 1996 to 2026 inclusive of the 1932 Official Code of the State of Tennessee; the laws established by such Code provision shall be inapplicable in said Counties and the registration of voters in such Counties shall be on a permanent basis as provided hereinafter.

## REGISTRATION IS PREREQUISITE TO VOTING

**SECTION 2.** That, in addition to the other requirements of law, each voter shall be registered as herein provided before being allowed to exercise the elective franchise in any election, including municipal and nominating primary elections, hold in any Civil District, ward or votng [sic] precinct.

## PLACE OF REGISTRATION

**SECTION 3.** That voters are entitled to be registered only in the voting precinct in which they maintain actual or legal residence; provided that for the purpose of voting in any municipal election in which voting is authorized on property qualification, a voter not otherwise qualified to vote in such election may be registered on property qualifications in any one of the voting precincts wherein such voter may own property, but such registration shall be valid only for municipal elections; and, provided further, that a voter may at the time of the registration register in any voting precinct in the ward in which he lives or maintains legal residence, whether or not it be in the precinct in which he lives or maintains residence, and he shall be required to vote in the precinct in which he registered, but if at any time he should desire to change his registration to another precinct in the same ward without changing his legal residence, he may do so by applying to the Election Commission twenty (20) days prior to the election in which he desires to vote, to have his registration card transferred to the new precinct.

## REGISTRATION PERMANENT

**SECTION 4.** That registration of voters shall be continuous or permanent so that when a voter has been registered it will be unnecessary thereafter for such voter to reregister [sic] except in those cases in which the voter either:

- (a) changes residence either by moving within a voting precinct or by moving to another voting precinct;
- (b) changes name by marriage or otherwise;
- (c) neglects the elective franchise by failing to vote in at least one general or primary election during six successive calendar years;
- (d) loses the legal right to vote by a Court judgment.

## THOSE ENTITLED TO REGISTER; EFFECTIVE DATES OF REGISTRATION

**SECTION 5.** That all persons qualified to vote under existing laws at the date of application for registration, including those otherwise qualified who will arrive at the legal voting age by the date of the next succeeding election following the application to register, and those otherwise qualified who have lived in the State for twelve (12) months and in the County in which they apply for registration six (6) months by the date of the next succeeding election, and also those otherwise qualified who have had any disability to vote removed by the date of their application to register shall be entitled to be registered as voters under the provisions of this Act, provided, however, that any registration or re-registration hereunder shall be ineffective to entitle a registrant to vote in any election until such registration or re-registration has been in effect for twenty (20) days from the date hereof.

## TERMINATION AND CANCELLATION OF REGISTRATION

**SECTION 6.** That the registration of any person hereunder shall become void whenever such person either:

- (a) moves from the residence in which registered to a new residence either within or without the voting precinct, unless such person has transferred her or his registration to the new address as herein provided, or
- (b) changes name by marriage or otherwise, or

- (c) neglect to vote in a general or primary election for six (6) successive calendar years, or
- (d) loses the right to vote by Court judgment, or
- (e) dies.

When a registration is terminated, it is the duty of the Registrar and the County Election Commission to cancel the registration of such persons by endorsing on the face of the registration records at the name of such person that the registration is terminated as of a certain date and the reason for termination.

Any person whose registration shall have been terminated, cancelled or become void, shall be entitled to re-register provided he is otherwise eligible.

#### REGISTRATION PERIODS

##### SECTION 7. That,

(a) The first registration under the provisions of this Act shall take place in each voting precinct for ten successive days, Sunday excluded, beginning the first Tuesday in the month of August, 1947. It shall be the duty of the Registrars for each voting precinct on the day designated for the registration herein to open an office for the registration of voters in some convenient place in each voting precinct and to keep such office open from ten o'clock A.M. until seven o'clock P.M. for the purpose of registering voters who appear in their own proper person before said Registrars.

(b) In addition, any person entitled to register or re-register may be registered by the County Election Commission at its office in the County Seat and for the purposes of permitting such registration or re-registration each County Election Commission shall have an office in the County Courthouse which shall be open for business during the regular hours of business maintained in other County offices at such times, and shall conduct its business therein, performing the other duties required of the Commissions, and that the County Election Commissioners may employ at Registrar-at-Large and as many Deputy Registrars-at-Large as may be necessary for the County who is authorized to act for the Commissioners of Election in issuing, cancelling, correcting, copying and replacing permanent registrations and the forms relating thereto.

As amended by: Private Acts of 1949, Chapter 427

(c) The County Election Commission shall upon petition of twenty-five (25) citizens of any voting precinct, provide a one, two or three-day registration period, in the discretion of the Election Commission, for the residents of that voting precinct within sixty (60) days from receipt of the petition and at least 30 days before an election, provided said petition is filed 45 days before an election, notice to be given of said supplemental registration by posting of three notices in said precinct; one notice shall be posted where registration is to be held.

As amended by: Private Acts of 1949, Chapter 427

#### COMMISSIONERS OF ELECTION SHALL APPOINT REGISTRARS; COUNTY SHALL PAY FOR REGISTRATION

**SECTION 8.** That it shall be the duty of the Commissioners of Election in each County to appoint Registrars of voters for each voting precinct, for the ten (10) day initial registration, to designate the place in each voting precinct at which the Registrars shall maintain their offices on the days of registration, to requisition through the County Purchasing Agent and furnish the Registrars with the required registration books, stationery and forms at the expense of the respective Counties, all of which purchases shall be made by the County Purchasing Department, and said Commissioners shall certify the necessary expenses of registration, together with other costs, to the County Judge or Chairman, who shall issue his warrant on the County Treasury to pay for the same. The Commissioners of Election and the Registrars shall be held accountable as custodians for the registration books, stationery and forms hereinafter provided for.

A majority of the Commissioners of Election shall have full power to act in all matters concerning registration of voters and at least fifteen (15) days prior to every election shall appoint two (2) registrars of voters for each voting precinct, both of whom shall be residents of the ward, district or precinct, in which they are intended to serve, and not more than one of whom shall be from the same political party.

#### NOTICE OF FIRST REGISTRATION

**SECTION 9.** That it shall be the duty of the Commissioners of Election to give at least ten (10) days notice of the time and place of the first registration to be held under the provisions of this Act in some newspaper published in the county wherein such registration is to be held.

#### PERMANENT REGISTRATION FORMS

##### **SECTION 10.** That,

(a) Permanent registration forms for the registration of voters shall be prepared and supplied by the Commissioners of Election in sufficient quantities to enable all eligible voters to register. Such form shall consist of an equal number of original forms one color and duplicate forms of another color, provided,

however, the original forms may be printed in one color and the duplicate forms printed in another color. Each set of original and duplicate registration forms shall be serially numbered and one or both of such forms shall be suitable for locking in a loose-leaf binder, and shall be in such size as the Commissioners of Election shall see fit, so as to contain the information hereinafter required concerning each applicant for registration.

As amended by: Private Acts of 1949, Chapter 427

(b) Space shall be provided on both the original and the duplicate [sic] forms at the top for the word "original" on the original forms and the word "duplicate" on the duplicate form to be followed immediately below by the words "Permanent Registration" on both forms, which shall contain the following information concerning each applicant for registration.

1. The full name, including middle initials, if any. In the case of a man, the name shall be prefixed by the word "Mr." and in the case of a woman the name shall be prefixed by the words "Mrs." or "Miss".

2. The place of residence and street address, including the number of house if numbered; if not numbered, then a designation of its location and if not, the owner thereof, the name of the owner or landlord. If the applicant resides at a hotel, apartment or boarding house, or institution, such additional information may be included as may be deemed necessary to give the exact location of the applicant's place of residence.

3. The applicant's statement that he is 21 years of age or over, that he is a citizen of the United States and of the State of Tennessee, and that he will have resided in the State of Tennessee for at least one year and in the County for at least six months immediately preceding the next general election, all of which shall be indicated by the word "yes".

4. Whether he is a native born citizen or a citizen by naturalization, and the date of birth.

As amended by: Private Acts of 1949, Chapter 427

5. Applicant's color.

6. Whether the applicant is married or single.

7. His vocation.

8. The signature in person or by mark of the applicant; provided, however, that if the applicant is totally disabled so that he cannot write or make his mark, the Registrar or County Election Commissioner may sign for such applicant. That if the person cannot write or make his mark the reason for said person's inability to sign his name shall be stated and a description of said person showing his height in feet and inches, the color of the eyes, the color of hair and any distinguishing marks or features, shall be noted on said application.

9. Immediately above the space for the signature of the applicant shall be printed these words: "I, being duly sworn on oath (or affirmation) depose and say that to the best of my knowledge and belief the foregoing statements made by me are true and correct."

10. The filing date of the application and the signature of Registrar or other person authorized to register the voter, together with the authority of such person for taking the affidavit, and the signature of the other Registrar, if registration is effected in the voting precinct.

For the purpose of taking affidavits of applicants for registration, the Registrars, Registrar-at-Large and Deputy Registrar-at-Large and the Commissioners of Election are empowered to administer oaths to applicants. That said form shall contain such space to provide for subsequent changes of address or removal of such applicant from one precinct to another, and as many spaces shall be provided as the Commissioners of Election shall designate.

As amended by: Private Acts of 1949, Chapter 427

Space shall also be provided wherein there may be stamped or written the date of each election in which the elector participates.

The County Election Commission is hereby given express authority to prescribe the exact forms and wording of both sides of the cards to be used to effectuate and carry out the purposes of this Act.

#### FILING REGISTRATION FORMS

**SECTION 11.** That the original and duplicate forms when filled out shall be filed in the office of the Commissioners of Election, the original form filed alphabetically as to the County as a whole in either filing cabinets or locked binders and the duplicate forms in locked binders containing all registrants in the voting precinct for use in the polling places on election day. The precinct binders shall be arranged in order by street names and numbers where street names and numbers are in use. In other instances the precinct binders shall be arranged in alphabetical order.

The original permanent registration forms shall not be removed from the office of the Commissioners of Election except upon the orders of a Court of competent jurisdiction, and shall be kept posed from the duplicate permanent registration forms. The duplicate copy of the permanent registration form shall be used by the Registrars in the polling places at elections.

The permanent registration forms shall be the official record of a person's eligibility to vote in any election.

#### REGISTRARS TO ATTEND ELECTIONS

**SECTION 12.** That, on the day of election, the Registrars of each voting precinct shall attend at the place of holding said election with the duplicate permanent registration volume, or volumes, for said precinct, which shall be evidence of registration and they shall occupy a place inside the polling precinct and the Registrars shall keep one of the poll books provided in each election and as such voter appears and requests a ballot, he shall be requested to sign an individual poll sheet requesting a ballot which shall be placed by the clerks of the election on a post binder in addition to the poll books kept by each clerk and such post binder and individual poll sheets signed by the voters shall constitute an additional poll book for the use of the Election Commission in completing the permanent registration record of each voter as to the elections in which he participated; the Election Commission to determine the exact forms of such individual poll sheet, but which shall in addition to the request for ballot be punched for the binder posts and contain at the top a line after the abbreviation No.; and one of the clerks of election shall place thereon the number which shall be the same as that of the ballot which is given to the voter and which shall be filled in an appropriate places provided thereon in the hand-writing of the voter with his name and address, and if such voter is unable to write, then his name and address shall be placed thereon by one of the Judges or Officer of Election, who shall attest thereto as witness by signing his name as such thereon, having the voter touch the pen or indelible pencil with which such poll sheets are to be filled in, as such witness makes the voter's mark near the name of such voter, and such individual poll book when completed shall bear the same oaths on a sheet provided for that purpose as to its correctness as that provided on other poll books under the election laws applicable to the respective elections and said individual poll sheets shall be placed by the clerks of the election on the post binders provided for each precinct by the Commissioners of Election, in numerical order according to the number of each ballot issued to the voters, with the oath certifying as to its correctness placed on top of such poll, and the Registrar shall thereupon compare the signature made by the applicant for ballot with that on the permanent registration card as a means of identifying the voter. The applicant for ballot shall answer any other questions pertinent to satisfying the Registrar as to his identity. If the signature and identity of the applicant to vote does not compare with the permanent registration records, then the Registrar shall challenge his vote and he shall be referred to the judges of election, who shall be the exclusive judges as to the eligibility of the voter and the procedure shall be followed as provided in the general election laws pertaining to balloting and elections. If, upon comparison of the signature or other identification, it is found that the applicant is entitled to vote, then the Registrar shall authorize the person having charge of the ballots to hand the voter a ballot, which ballot shall show the voter is entitled to vote, as provided in the general election law. The Registrar shall make an entry in the voting record space of the registration card to indicate the applicant has voted.

As amended by: Private Acts of 1949, Chapter 427

#### COMPENSATION OF REGISTRARS

**SECTION 13.** That for each day's attendance during the various registration periods and for attendance at the polls, the Registrars shall be compensated in the same amount as other election officials, each to be paid out of the County Treasure on the warrant of the Judge or Chairman of the County Court upon the certification of the account by the Commissioners of Election, provided, that the compensation herein provided may be increased by the action of the City Council in any County. In case of municipal elections, the compensation of the Registrars shall be paid by the municipality for which said election was held.

As amended by: Private Acts of 1949, Chapter 427

#### AFFIDAVIT AS TO CORRECTNESS OF REGISTRATION BOOK

**SECTION 14.** That at the end of any period of registration, the Registrars shall make affidavit before any officer in their County authorized by law to administer oaths on a form provided by the Commissioners of Election as to the correctness of their registration and that they have in all respects in conducting such registration complied with the provisions of this Chapter. This affidavit shall be filed with the Election Commission when the permanent registration forms are returned to it.

#### OATH OF REGISTRARS

**SECTION 15.** That, before entering upon the performance of any duties pertaining to their offices, each Registrar shall take and subscribe to the following oath upon a form supplied by the Commissioners of Election:

"I do solemnly swear (or affirm) that I will faithfully and impartially keep the register of voters in my

voting precinct, that I will not knowingly register or allow to be registered any person not a legally qualified voter and that I will not knowingly prevent any person from registering who is a legally qualified voter, so help me God."

#### DENIAL AND CHALLENGE OF REGISTRATION

**SECTION 16.** That if the Registrars do not permit an applicant for registration to register or are divided as to the applicant's right of register, said applicant shall not be registered; provided, however, any applicant denied registration shall be entitled to apply to the Commissioners of Election for registration upon any day upon which the office of the Commissioners of Election is open and obtain the ruling of the Commissioners of Election as to his right to be registered, and from an adverse decision of the Commissioners of Election, the applicant shall have the right to pursue his right at law.

#### REFUSAL OR INABILITY OF REGISTRARS TO ACT

**SECTION 17.** That, in case of the temporary absence of a duly appointed Registrar on any of the days fixed for registration of election, from sickness or other cause, the Commissioners of Election shall select a person from the political party to which such Registrar belongs, to act for and in the stead of the absent Registrar during such temporary absence, provided, however, that said temporary Registrar shall subscribe to the oath undertaken by regular Registrars before entering upon the duties required.

#### DIVISION OF VOTING PRECINCTS

**SECTION 18.** That, if any voting precincts shall be divided after coming under the provisions of this Chapter, it shall be the duty of the Commissioners of Election to separate the duplicate registration forms in the binders of the old precinct according to the residences of the respective registrants and provide new binders for the new voting precinct, restoring to the old binders the duplicate registration forms of those registrants who remain in the old voting precinct.

#### PRIMARY ELECTIONS

**SECTION 19.** That, when primary elections are held on the same day as general elections, the Commissioners of Election shall furnish to the primary election officials of each party and at each polling place a certified copy of the names of all persons registered in such precinct for use in determining the qualifications of those who may offer to vote in such primary. Space shall be provided on each certified list for the primary officials to enter the primary ballot number of each registrant who votes in such primary opposite the registrant's name. Immediately after the election, the primary election officials shall return this certified list to the Commissioners of Election, who shall enter the primary ballot number together with an indication of the primary in which the registrant has voted upon the voting record of each registrant on the permanent registration form of each registrant.

#### CUSTODY OF REGISTRATION BOOKS

**SECTION 20.** That, between registration periods and the elections and until the next election or registration period, the permanent registration forms shall be kept by the Commissioners of Election for safekeeping and said Commissioners shall be held responsible for the same as the case of other public records. Any entries on permanent registration forms signed by the Registrant and the Registrars shall be prima facie evidence of the truth thereof and any such statement shall be admissible evidence in the Courts of this State without further attestation when presented by the Commissioners of Election in response to a subpoena.

#### CRIMINAL OFFENSES, FINES AND IMPRISONMENT

**SECTION 21.** That it shall be a criminal offense against the laws of this State for any person to register or to have his name registered as a qualified voter under this Chapter when he is not entitled to vote; to vote or attempt to vote on a certification of registration or permanent registration form issued to some one other or otherwise than the person voting or offering to vote for the same; to procure or induce any other person to register or be registered as a voter, such person not being legally qualified as such; to induce or procure any other person to vote or attempt to vote on any registration certificate or permanent registration form issued to another or otherwise than the person voting or offering to vote on the same; to alter, to change, forge or counterfeit or procure the same to be done by another, any of the registration forms or books provided for in this Chapter; to issue, circulate, or in any way use, or attempt to use any fraudulent certificate of registration or permanent registration form, the same not having been regularly issued by duly appointed and legally qualified Registrars or Commissioners of Election as provided for in this Chapter; to wilfully and knowingly vote or attempt to vote on a registration which has not been in effect twenty (20) days prior to the day of the election; and for any Registrar to wilfully without cause refuse to register any legally qualified voter for any person to knowingly and wilfully make any statement which is materially false in any application for registration or in any affidavit required under this Chapter. Any person convicted of any of the aforesaid offenses shall be fined not less than Fifty (\$50.00) Dollars

nor more than One Thousand (\$1,000.00) Dollars; or be confined in the county jail not less than Thirty (30) days nor more than Eleven (11) months and twenty-nine (29) days, or both, in the discretion of the Court; and, upon conviction, it shall be part of the judgment of the Court that such person shall be deprived of the right to vote, or to hold office under the laws of this State for the term of three years from the date of such conviction.

#### CONSTITUTIONALITY OF ACT

**SECTION 22.** That, if any section, paragraph, or sentence of this Act be held unconstitutional for any reason, it is the expressed intent of the Legislature that such holding shall not invalidate any other portion of this Act in that the same would have been enacted [sic] without such section.

#### EMPLOYMENT OF PERSONNEL

**SECTION 23.** That the Commissioners of Elections in each County are empowered to incur such expenses as are necessary to the execution of this Act and to employ such personnel in addition to a Registrar-at-Large as is required to execute it. The expenses incurred therefor shall be paid from County funds upon certification of a majority of the Commissioners of Elections to the County Judge. No more personnel shall be employed by said Commissioners of Elections than is necessary, with the salaries to be approved by the County Council or other governing body of the County. But should said County Council or other governing body of the County fail or refuse to approve such salaries of number of personnel that may be considered reasonable by a majority of the Commissioners of Elections, any of the Circuit, Chancery or Criminal Courts of such County shall have jurisdiction to hear and determine upon petition of the Commissioners of Elections, and by order fix, the number of persons to be employed under this Act, and fix the amount of their salaries to be paid from County funds.

As amended by: Private Acts of 1949, Chapter 427.

#### PROVISION FOR THE TRANSFER OF REGISTRATION

**SECTION 24.** That all persons who shall have registered under the provisions of this Act and thereafter changed their residence, either within or without the precinct, ward or district where registered, shall not be qualified to vote in any election thereafter held without having first re-registered, either by person application at the registration office or by sending in a signed request to the registration office. The form for the application should contain spaces for the name in full with instructions to print or write very plainly, the old and new addresses in detail, the date of removal to the new address, and the signature. Transfer of electors who are unable to sign their names can be made only upon personal application at the registration office where they may be identified by use of the personal description data on the registration record. The application for transfer may be received up until the close of registration and not afterwards, except for voters who have moved after the close of registration and who are legally qualified to vote from the new address.

**SECTION 25.** That the action of the Election Commission in heretofore or hereafter issuing an Information Card to each voter upon original registration or re-registration or change of address is hereby authorized and ratified in such form as may be prescribed by such Election Commission and shall contain among other things the date of such registration or reregistration [sic] or change of address, the name, address, weight, color and age of the voter, bearing the same Serial Number as the Permanent Registration Card of such voter, with a statement of when the registration terminates, and upon changes of address a form to fill in to obtain registration at new address of voters who are able to sign their names. However, this card shall not be considered as legal evidence of eligibility to vote, but as information only, or as a means of assistance to the Registrars in locating the voter's registration.

As amended by: Private Acts of 1949, Chapter 427

**SECTION 26.** That this Act shall take effect from and after the first day of July, 1947, the public welfare requiring it.

Passed: March 10, 1947.

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