



July 03, 2024

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

Districts - Reapportionment

Private Acts of 1943 Chapter 128

SECTION 1. That in counties of this State having a population of not less than 19,750 nor more than 19,800 by the Federal Census of 1940 or any subsequent Federal Census there shall be sixteen civil districts. The First Civil District shall consist of its present boundaries and shall not be subject to or affected by any part of this bill.

The Second Civil District of said County shall be composed of the Second Civil District as it existed on January 1, 1941.

The Third Civil District of said County shall be composed of the Third Civil District as it existed on January 1, 1941.

The Fourth Civil District of said County shall be composed of the Fourth Civil District as it existed on January 1, 1941.

The Fifth Civil District of said County shall be composed of the Fifth Civil District as it existed on January 1, 1941.

The Sixth Civil District of said County shall be composed of the Sixth Civil District as it existed on January 1, 1941.

The Seventh Civil District of said County shall be composed of the Seventh Civil District as it existed on January 1, 1941.

The Eighth Civil District of said County shall be composed of the Eighth Civil District as it existed on January 1, 1941.

The Ninth Civil District of said County shall be composed of the Ninth Civil District as it existed on January 1, 1941.

The Tenth Civil District of said County shall be composed of the Tenth Civil District as it existed on January 1, 1941.

The Eleventh Civil District of said County shall be composed of the Eleventh Civil District as it existed on January 1, 1941.

The Twelfth Civil District of said County shall be composed of the Twelfth Civil District as it existed on January 1, 1941.

The Thirteenth Civil District of said County shall be composed of the Thirteenth Civil District as it existed on January 1, 1941.

The Fourteenth Civil District of said County shall be composed of the Fourteenth Civil District as it existed on January 1, 1941.

The Fifteenth Civil District of said County shall be composed of the Fifteenth Civil District as it existed on January 1, 1941.

The Sixteenth Civil District of said County shall be composed of the Sixteenth Civil District as it existed on January 1, 1941.

SECTION 2. That this bill shall in no wise affect any official elected by a corporation in said county.

SECTION 3. That all constables and justices of the peace chosen in this special election shall serve the unexpired term, constables thus chosen shall serve until September 1, 1944, justices of the peace until September 1, 1948. And that all constables and justices of the peace now in office within the districts affected by this Act shall continue in office until their successors are duly elected and qualified.

SECTION 4. That within sixty days after the passage of this Act it shall be the duty of the election commissioners of said counties to order, open and hold an election at the regular voting places in said counties for the purpose of ascertaining the will of the majority of the legal voters of said counties in the election of one constable and two justices of the peace for each of the Civil District created by this Act. Said election shall be held not less than ten days and not more than twenty days after the issuance of notice thereof, which notice shall be published in a weekly newspaper in said county for not less than two weeks in succession. All voters legally qualified to vote in State, county and city elections shall be qualified to vote therein.

SECTION 5. That upon the ballots which shall be in size according to that required by general election law, shall be printed the names of all qualified candidates, and the voters shall vote by placing an X opposite the candidate for whom he desires to vote. Said election shall be held in accordance with the law regarding general elections, and the expenses of holding same shall be paid for in the same manner as is

provided for holding general elections, and any violation of law in this election shall be punishable as any violation of the general election law.

SECTION 6. That the Legislature of Tennessee expressly declares that each section and sub-section of this Act is severable and that should any part of this Act be held unconstitutional or invalid, the invalid portion shall be edified, and that no other section of this Act shall be affected thereby.

SECTION 7. That it shall be the duty of the election commissioner to canvass the vote and certify the results within five days after said election.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: January 18, 1943.

Elections - Historical Notes

Districts - Reapportionment

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

1. Acts of 1857-58, Chapter 83, created a new Civil District in Warren from portions of the 8th, 10th, and 16th civil districts, and is more particularly described therein. The Sheriff was required to give notice, and hold an election for two magistrates and one constable.
2. Acts of 1899, Chapter 244, rewrote the boundaries of the 16th civil district with a metes and bounds description referencing lands belonging to named individuals. An election was to be held to elect two justices of the peace and one constable, and Dibrell would be the voting precinct in the district.
3. Private Acts of 1915, Chapter 598, created the Seventeenth Civil District for Warren County, being comprised of a portion of the 10th Civil District, and bounded as described therein. It also provided for the election of a Justice of the Peace and a Constable, and repealed all conflicting laws.
4. Private Acts of 1917, Chapter 20, amended Private Acts of 1915, Chapter 598, above, by delineating the boundary between the north line of the 10th Civil District and the south line of the new 17th Civil District.
5. Private Acts of 1917, Chapter 331, specifically repealed Private Acts of 1915, Chapter 598, thus returning Warren County to the original lines of its former sixteen Districts.
6. Private Acts of 1941, Chapter 51, redistricted Warren County into five civil districts, which areas were established as follows: the First Civil District was to be composed of the then-present First Civil District; the Second Civil District was to be composed of the Fifth, Sixth, Seventh and Eighth Civil Districts; the Third Civil District was to be composed of the Ninth, Tenth and Eleventh Civil Districts; the Fourth Civil District was to be composed of the Twelfth, Thirteenth, Fourteenth and Sixteenth Civil Districts; and, the Fifth Civil District was to be composed of the then-present Second, Third, Fourth and Fifteenth Civil Districts. This act would not affect the terms of the existing justices of the peace and constables prior to their terms expiring.

Elections

The following is a listing of acts for Warren County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1807, Chapter 74, placed Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin Counties in the Fourth District which would elect one Presidential Elector.
2. Acts of 1809, Chapter 112, provided that a separate election be held at the house of James Hill at the head of Stone's River so that people residing in the lower end of the county could vote in the general election for President, Vice-President, and members of the General Assembly.
3. Acts of 1812, Chapter 27, placed Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin Counties in the Third U.S. Congressional District, of a total of six U.S. Districts in the state.
4. Acts of 1812, Chapter 40, changed the act providing for an election at the home of James Hill to be held instead at the house of Isham Cherry.
5. Acts of 1812, Chapter 57, apportioned the state into 20 Senatorial Districts and 40 Representative Districts. Warren and Franklin Counties would compose one Senatorial District and Warren would elect one member of the General Assembly's House.
6. Acts of 1813, Chapter 139, provided for special and separate polling places, (1) at the house of

George Payne on Piney River, (2) at the home of William Chism, near Hickory Creek, (3) at home of Daniel Payne on Rocky River, and (4) at the home of John H. Gee, of Captain Tait's company. All polls were to be verified at McMinnville. These polls were for the general election of Presidential Electors and members of the General Assembly.

7. Acts of 1815, Chapter 103, stated the special polling place formerly at the home of James Hill and Isham Cherry in Warren County, would be held at the house of John Woods, all laws to the contrary notwithstanding.
8. Acts of 1817, Chapter 64, authorized the Sheriff or his deputy, to hold elections at the home of Cannada Bratcher on Mountain creek for all general elections, all laws to the contrary notwithstanding.
9. Acts of 1817, Chapter 127, authorized a separate election to be held at the home of William Smith for people residing in the Southern precinct of the county.
10. Public Acts of 1819, Chapter 5, permitted a precinct election at the home of Jacob Burger in Warren County, plus several other locations.
11. Public Acts of 1819, Chapter 69, again apportioned the State into 20 Senatorial and 40 Representative Districts with no change in Warren County and very little anywhere else.
12. Acts of 1820 (2nd Ex. Sess.), Chapter 95, required the returning officers in the Senatorial District Composed of Warren and Franklin Counties to meet in Hillsborough in Franklin County on the Monday Following the general election to compare the vote.
13. Acts of 1822 (2nd Sess.), Chapter 1, allocated Franklin, Warren, White, Overton, and Jackson Counties to the Fourth U.S. Congressional District in Tennessee.
14. Acts of 1823, Chapter 47, assigned Franklin, Warren, White, Overton, and Jackson Counties to the Fifth State Presidential Electoral District.
15. Acts of 1824 (2nd Sess.), Chapter 1, also apportioned the State into Presidential Electoral Districts and added Fentress County to the ones mentioned above.
16. Acts of 1826 (Ex. Sess.), Chapter 3, apportioned the state. Warren and Franklin Counties would elect one State Senator between them and Warren would elect one Representative to the General Assembly.
17. Acts of 1832 (Ex. Sess.), Chapter 4, assigned Fentress, White, Overton, Warren, and Franklin Counties to the Fifth U.S. Congressional District.
18. Acts of 1833, Chapter 13, established precinct elections in the counties of Lincoln, Smith and Warren. The location for Warren County was to be at the house of John Pendleton.
19. Acts of 1833, Chapter 71, also reapportioned the state into Senatorial and Representative Districts with no changes being made for Warren County.
20. Acts of 1833, Chapter 76, provided for the calling of a convention for the election of delegates, for the purpose of revising, amending, and altering the present, or forming a new constitution. Warren and Franklin Counties composed a district, to elect jointly one delegate to the convention. The returning officers for the district were to meet at Hillsboro in Franklin County.
21. Acts of 1835-36, Chapter 2, gave the Sheriff of Warren County, or his deputies, the responsibility of holding the first election for a county whose name was not referenced. The offices to be filled were Justices of the Peace, Constables, Sheriff, Trustee, Register, Circuit Court Clerk and County Court Clerk.
22. Acts of 1839-40, Chapter 81, provided that the Sheriff of Warren County hold an election for county officers for Van Buren County in the same manner as regular elections, and all the polls would be compared at the home of William Worthington.
23. Acts of 1842 (2nd Sess.), Chapter 1, divided Tennessee into 25 Senatorial Districts. Warren, DeKalb, Cannon, and Coffee Counties composed the 10th Senatorial District, to elect one Senator, and Warren County would continue to elect one Representative to the General Assembly.
24. Acts of 1842 (2nd Sess.), Chapter 7, assigned Fentress, Overton, Jackson, White, DeKalb, Van Buren, Coffee, and Warren Counties to the 4th U.S. Congressional District.
25. Acts of 1865, Chapter 34, placed Warren in the Third U.S. Congressional District with seventeen other counties. This was the first state apportionment to take place after the Civil War.
26. Acts of 1871, Chapter 146, apportioned the State for the General Assembly. Warren would elect one Representative and was placed in the Eighth Senatorial District along with Coffee, DeKalb, and Cannon.

27. Acts of 1872 (Ex. Sess.), Chapter 7, wherein Warren County remained in the Third U.S. Congressional District with sixteen other counties. Some slight changes were made as to the procedures for holding elections.
28. Acts of 1873, Chapter 27, was another act apportioning the representation for the U.S. Congress. Warren County remained in the Third District.
29. Acts of 1881 (1st Ex. Sess.), Chapter 6, set forth the Senatorial and Representative Districts under the enumeration made in 1881. Warren County was among those counties designated to elect one Representative, and was placed in the Tenth Senatorial District.
30. Acts of 1882 (2nd Ex. Sess.), Chapter 27, wherein Warren County remained in the Third U.S. Congressional District.
31. Acts of 1891 (Ex. Sess.), Chapter 10, allotted Warren County one Representative in the General Assembly and assigned it to the 11th Senatorial District with Marion, Grundy, and Franklin Counties.
32. Acts of 1901, Chapter 122, again reapportioned the State into Senatorial and Representative Districts, with Warren County remaining in the Eleventh Senatorial District, and allowed to elect one Representative.
33. Acts of 1907, Chapter 225, declared that no registration of voters would be a prerequisite to voting in Warren County for any elections. Two Registrars of Elections would be appointed for each voting precinct and all the public acts concerning the purity of elections passed prior thereto would be repealed insofar as they were to apply to Warren County.
34. Private Acts of 1915, Chapter 343, provided that all school districts in Warren County were made coextensive with the civil districts, thereby repealing Acts of 1905, Chapters 167, 223 and 389; Acts of 1907, Chapter 6; and, Acts of 1911, Chapter 408.
35. Private Acts of 1925, Chapter 509, authorized an election to be held in Warren County for the purpose of ascertaining the will of a majority of the people on the question of erecting and maintaining a Rest Room and Community House. If favored, a tax would be levied to provide for such a facility.
36. Private Acts of 1945, Chapter 602, provided that the payment of a poll tax as a prerequisite to voting in general and special elections in McMinnville was no longer required. This Act was declared unconstitutional by the Supreme Court of Tennessee in *Town of McMinnville v. Curtis et al.*, 183 Tenn. 442, 192 S.W.2d 998 (1946).
37. Private Acts of 1949, Chapter 52, stated that all officers holding primary elections in Warren County should be paid \$4.00 per day, or fraction thereof. The Primary Board of Election Commissioners, after the returns were in, would make a complete report and list of officers for the County Judge, who would issue warrants for payment of their compensation out of the general funds of the county.
38. Private Acts of 1949, Chapter 53, provided the same as above for officers of general elections.
39. Private Acts of 1959, Chapter 64, amended Acts of 1949, Chapter 53, above, by increasing the compensation of officers of general elections in Warren County from \$4.00 to \$5.00.
40. Private Acts of 1967-68, Chapter 102, also amended Acts of 1949, Chapter 53 and Acts of 1959, Chapter 64, by deleting \$5.00 and substituting \$10 as the rate of daily pay for officers of general elections.
41. Private Acts of 1971, Chapter 21, amended the three preceding acts by increasing the compensation of the officers of elections to \$12 per day

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