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Private Acts of 1945 Chapter 173

Dear Reader:

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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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Private Acts of 1945 Chapter 173

COMPILER'S NOTE: Some of the provisions of this act may be superseded by general law.

SECTION 1. That in order to require voters to vote in election precincts in which they reside, to secure the freedom and purity of the ballot box in certain Counties by preventing plural voting and to encourage and facilitate the registration of voters in such Counties, all Counties of the State of Tennessee having a population of not less than 14,100 nor more than 14,200 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.

SECTION 2. That
Registration Is Prerequisite to Voting.

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) held in any civil district, ward or voting precinct.

SECTION 3. That
Place of Registration.

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 register and vote in any voting precinct within the Civil District in which he lives or maintains legal residence if outside a municipality, or if within a municipality, then in any voting precinct within the Ward in which he lives, or maintains legal residence.

SECTION 4. That
Registration Permanent.

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 re-register except in those cases in which the voter either:

- (a) moved to another voting precinct;
- (b) changes name by marriage or otherwise;
- (c) loses the legal right to vote by a Court judgment.

As amended by: Private Acts of 1949, Chapter 243

SEC. 5. That
Those Entitled to Register; Effective Date of Registration.

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 thereof.

SEC. 6. That
Termination and Cancellation of Registration.

The registration of any person hereunder shall become void whenever such persons either:

- (a) moved his residence to another voting precinct
- (b) changes name by marriage or otherwise, or
- (c) loses the right to vote by Court judgment or
- (d) dies.

When a registration is terminated it is the duty of the Registrar and the County Election Commission to cancel the registration of such person 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.

No person shall be re-registered in a voting precinct different than that in which such person's registration has been terminated and canceled until the Registrar in the voting precinct in which registration is applied

for has received a certificate signed by the Registrar of the voting precinct of former registration, or from the County Election Commission that the former registration therein has been canceled. Certificates evidencing cancellation or registration shall be furnished at any time and without charge to any former registrant by the Registrar of the voting precinct in which such person was formerly registered or by the County Election Commission of the county in which such voter was formerly registered. Upon the completion of re-registration the certificate of cancellation of former registration shall be retained by the Registrar.

As amended by:

Private Acts of 1949, Chapter 243

SECTION 7. That
Registration Periods.

(a) The first registration under the provisions of this Act shall take place in each voting precinct for ten successive days beginning the first Tuesday in the month of August, 1945. It shall be the duty of Registrars for each voting precinct on the days designated for 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 nine o'clock A.M. until nine o'clock P.M. for the purpose of registering voters who appear in their own proper person before said Registrants.

(b) In addition, any person entitled to register or re-register shall be registered by the County Election Commission at its office, or selected place of business, in the county seat, which shall be open for business during regularly appointed hours, and shall conduct its business therein, replacing lost registration certificates, correcting and copying permanent registration forms and performing the other duties required of the Commission, and that the County Election Commissioners may employ a Registrar-at-large for the County who is authorized to act for the Commission in issuing, canceling, correcting, copying and replacing permanent registrations and the forms and certificates relating thereto.

(c) The County Election Commission is authorized to register as absentee voters in any voting precinct any person who has formerly been a registered voter in such voting precinct and who is required by regular business or occupation and habitual duties to be absent from the city and county in which registered, upon the filing of an affidavit of such person with the Election Commission setting forth the place of legal residence within the voting precinct and the necessity for absence therefrom, together with the other information required for registration.

SECTION 8. That

Commissioners of Election Shall Appoint Registrars; County Shall Pay for Registration.

It shall be the duty of the Commissioners of Election in each county to appoint Registrars of voters for each voting precinct, to designate the place in each voting precinct at which the Registrars shall maintain their offices on the days of registration, to purchase and furnish the Registrar with the required registration books, stationery and forms at the expense of the respective counties; and said Commissioners shall certify the necessary expense of registration together with the 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 ninety (90) days prior to every period of registration shall appoint two (2) registrars of voters for each voting precinct, both of whom shall be residents of the voting precinct in which they are intended to serve, and not more than one of whom shall be for the same political party. Each permanent registration form and certification of registration shall be signed by both registrars or by the Registrar-at-Large.

SECTION 9. That

Notice of First Registration.

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, or give like notice by written or printed notices posted in three or more public places in each voting precinct of the county.

SECTION 10. That

Permanent Registration Forms.

(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 forms shall consist of an equal number of original forms one color and duplicate forms of another color. Each set of original and duplicate registration forms shall be serially number and each of such forms shall be suitable for locking in a loose-leaf binder, shall be approximately ten (10) inches by ten (10) inches so as to contain on the face thereof a margin of approximately two (2) inches for binding and shall contain the information hereinafter required.

(b) Space shall be provided on both the original and the duplicate forms at the top for the word "original" on the original forms and the word "duplicate" on the duplicate forms, to be followed immediately below 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 number of house, if numbered; if not numbered, then a designation of its location, and if not the owner thereof, the name of owner or renter. 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 (6) 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.
5. Applicant's color.
6. The voting precinct, including post office and county from which he was last register
7. Whether the applicant is married or single.
8. His vocation.
9. Whether or not applicant has ever been disqualified as a voter by judgment of decree of any court; if so, when and by what Court reinstated.
10. 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.
11. 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 (or affirm) to the best of my knowledge and belief that the foregoing statements made by me are true and correct."
12. The filing date of the application and the signature of Registrar or other person authoriz For the purpose of taking affidavits of applicants for registration the Registrars and Commissioners of Election are empowered to administer oaths to applicants. Immediately to the right of the above permanent registration and identification statement shall be printed a column approximately 2½ inches wide for subsequent changes of address or removal of such applicant from one district to another.

(c) The original and duplicate registration form shall be substantially in the following form with the County Election Commission being hereby given express authority to prescribe the exact forms necessary to effectuate and carry out the purposes of this Act.

ORIGINAL

No. _____

Permanent Registration

Mr.

Name Mrs. _____

Miss Full Name

Resident _____

Number Street or Road

Exact Location _____ Apt. No. _____

Room Number _____ Floor No. _____

City _____ Ward _____ Voting Precinct _____

Are you 21 years of age or over; are you a citizen of the United States and of Tennessee; will you have resided in Tennessee at least one year and in the County at least six months on or before the next General Election _____

Are you a native born or naturalized citizen? _____

Color _____

Where last registered _____

State of Tennessee)

County of _____) ss

I, being duly sworn by oath (or affirmation), depose and say (or affirm) to the best of my knowledge and belief that the foregoing statements made by me are true and correct.

Sworn to and subscribed before me this _____

day of _____, 19_____.

Signature of Applicant

Signature of Registrar or other person taking Affidavit

Authority to take Affidavit

(Signature of Second Registrar (if registered in Voting Precinct)

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First four letters of surname
Change in Address

TO _____

CITY _____

WARD _____ DISTRICT _____

DATE _____

TO _____

CITY _____

WARD _____ DISTRICT _____

DATE _____

TO _____

CITY _____

WARD _____ DISTRICT _____

DATE _____

TO _____

CITY _____

WARD _____ DISTRICT _____

DATE _____

TO _____

CITY _____

WARD _____ DISTRICT _____

DATE _____

(Note the termination of this registration by an endorsement across the face canceling it, giving date and reason therefor with signature and authority of person canceling and drawing a line across the unused portion of the voting form on reverse hereof. Withdraw canceled certificates from binder and file with the Commissioners of Election after two whole years.)

SECTION 11. [Deleted by Private Acts of 1949, Chapter 243, Section 3.]

SECTION 12. That
Certification of Registration.

At the time of registration each registered voter will be given a signed card, approximately 2½ inches by 4 inches, attesting his resignation and identity as a registrant in substantially the following form:

PERMANENT REGISTRATION CERTIFICATE

Mr.

This is to certify that Mrs. _____

Miss
of the _____ voting precinct of
_____, Tennessee, was duly registered on the
City _____ County _____
_____ day of _____, 19 _____;
Registration No. _____, Color _____, Age _____;
Residence _____,
and is entitled to vote when otherwise qualified twenty (20) days after the issuance of this
certificate, provided there is no change of residence before offering to vote.

Registrars or Commissioner of Election

On the reverse side of the permanent registration certificate shall be printed the first full paragraph of Section 6 of this Act.

SECTION 13. That
Correction of Errors and Replacement of Lost Certificates.

The Commissioners of Election are authorized to replace any permanent registration certificate on the affidavit or affirmation of the registrant that such permanent registration certificate has been lost and cannot be found. The Commissioners of Election are authorized to correct any errors upon the registration records which are apparent on the face of said record or which are called to their attention by affidavit of the registrant.

SECTION 14. That
Filing Registration Forms.

The original and duplicate registration forms when filled out shall be filed alphabetically by voting precincts in the office of the Commissioners of Election in separate sets of locked binders, one for permanent office records and the other for use in the polling places on election day. Each binder shall be divided by appropriate alphabetical index tabs and if desirable, either the permanent or the duplicate permanent registration forms may be divided into two or more volumes. 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 posted 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.

SECTION 15. That
Registrars to Attend Elections.

On the day of any election the Registrars for each voting precinct shall attend at the place of holding said election, with the duplicate permanent registration form book which shall be evidence of registration, and they shall occupy a place inside the polling precincts and as each voter therein registered shall vote, said Registrars shall insert in the voting record form of said voter the number of the stub on the ballot furnished such voter; and said Registrars shall make a list of the names of the voters and return the same to the officer holding the election, who shall file the same with the election returns. In voting precincts in which voting machines are used, the number on the Registrar's slip given to the voter shall be noted on the voting record instead of the ballot stub number.

SECTION 16. That
Compensation of Registrars.

For each day's attendance during the various registration periods and for attendance at the polls, the Registrars shall be compensated in the sum of \$4.00 per day each, to be paid out of the County Treasury 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 action of the County Court 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.

SECTION 17. That
Affidavit as to Correctness of Registration Books.

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 respect 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.

SECTION 18. That

Oath of Registrars.

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."

SECTION 19. That

Denial of Registration.

If the Registrars do not permit an applicant for registration to register or are divided as to the applicant's right to 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 within three (3) days or upon any day upon which the office of the Commissioners of Election is open and obtain the ruling of the Commissioners of Election upon his right to be registered, and the action of the Board of Commissioners therein shall be final.

SECTION 20. That

Refusal or Inability of Registrars to Act.

In case of the temporary absence of a duly appointed Registrar on any of the days fixed for registration or 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.

SECTION 21. That

Division of Voting Precincts.

If any voting precinct shall be divided after coming under the provisions of this Chapter, it shall be the duty of the Commissioners of Election to separate the permanent 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 permanent registration forms of those registrants who remain in the old voting precinct.

SECTION 22. That

Primary Elections.

When primary elections are held on the same day as general elections, the Commissioners of Elections 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 election 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 Registrars in each voting precinct, 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. Each Registrar shall be allowed compensation for one additional day for this work.

SECTION 23. That

Custody of Registration Books.

Between registration periods and 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 in 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 Elections in response to a subpoena.

SECTION 24. That

Criminal Offenses: Fines and Imprisonment.

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 on the same; to procure or induce any other person to register or be registered as a voter, such person not 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, 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 or registration or permanent registration form, the same not having been regular issued by duly appointed and legally qualified Registrars or Commissioners of Election as provided for in this Chapter; to willfully 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 willfully refuse to register any legally qualified voter; for any person to knowingly and willfully make any statement which is materially false in an application for registration or in any affidavit required under this Chapter. Any person convicted of either of the aforesaid offenses shall be fined not less than \$50.00 nor more than \$1,000.00; or be confined in the county jail not less than thirty (30) days nor more than eleven months and twenty-nine 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.

SECTION 25. 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 without such section.

SECTION 26. That the Commissioners of Election in each County are empowered to incur such expenses as they may deem necessary in the execution of this Act and to employ such personnel as is required to execute it. The expenses incurred therefor shall be paid from County funds upon the certification of the Chairman of the Commissioners of Election to the County Judge.

SECTION 27. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 6, 1945.

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