



State of Tennessee

PUBLIC CHAPTER NO. 350

SENATE BILL NO. 185

By Jackson

Substituted for: House Bill No. 983

By Todd, Smith, Dunn, Halford, Helton

AN ACT to amend Tennessee Code Annotated, Title 49, relative to K-12 education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 2, is amended by adding the following language as a new section:

(a) A local board of education member that is elected, or appointed to fill a vacancy, under this chapter may be removed from office by the registered voters of the county.

(b)(1) A person who resides within the geographic boundaries of the local board of education district of which a local board of education member is sought to be removed may file a petition with the county election commission that demands the recall of the local board of education member. The petition must be signed by registered voters who reside within the geographic boundaries of the local board of education district of which the local board of education member is sought to be removed equal in number to at least sixty-six percent (66%) of the total vote cast for that member in the last regular election. Each person signing the petition must sign the person's name, provide the date of signing, and provide the signer's place of residence by street and number or by other customary designation.

(2) The petition must contain a general statement of the grounds upon which the removal is sought.

(3) A petition must include a sworn affidavit by the petition circulator stating the number of petition signers, that each petition signature is the genuine signature of the person whose name it purports to be, and that the signatures were made in the presence of the affiant.

(4) Within fifteen (15) days of receipt of the petition, the county election commission shall determine the sufficiency of the petition signatures. The county election commission shall attach a certificate to the petition with the results. If the county election commission determines the petition signatures are:

(A) Sufficient, then, within seven (7) days of such determination, the county election commission shall give notice of the filed petition by publication in a newspaper of general circulation and shall provide the grounds upon which removal of a local board of education member is sought; or

(B) Insufficient, then the person who filed the petition may amend the petition within ten (10) days from the date of the certificate and file the amended petition with the county election commission. Within fifteen (15) days of receipt of an amended petition, the county election commission shall make a sufficiency determination. If the amended petition is still deemed insufficient or if no amended petition is filed, then the county election commission shall attach a certificate to the petition and return the petition to the person who filed the petition. If an amended petition is deemed sufficient, then the county election commission shall provide notice as required by subdivision (b)(4)(A).

(c) A separate petition must be filed for each local board of education member sought to be removed.

(d) A county election commission shall call an election on the question of whether to recall a local board of education member if the county election commission determines that a petition is sufficient in accordance with subdivision (b)(4). The question must only be posed to voters who are represented by the local board of education member sought to be removed. The question on the ballot must ask whether the local board of education member should be recalled, and the voter must be provided the option to vote "for recall" or "against recall." If sixty-six percent (66%) or more of those voting vote "for recall," then the person named shall be declared removed from office and the office must be declared vacant. A vacancy must be filled in accordance with § 49-2-202(e). No election for the purpose of recall shall be held within a period beginning ninety (90) days before and ending ninety (90) days after a regular election.

(e) This section only applies in counties having a population of not less than ninety-eight thousand two hundred (98,200) nor more than ninety-eight thousand three hundred (98,300), according to the 2010 federal census or any subsequent federal census.

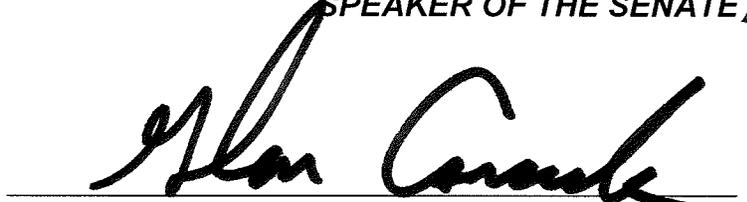
SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 185

PASSED: May 2, 2019


RANDY McNALLY
SPEAKER OF THE SENATE


GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2019


BILL LEE, GOVERNOR