



## Conducting Municipal Elections

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

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 municipal 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 MTAS website material.

Sincerely,

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## Conducting Municipal Elections

**Reference Number:** MTAS-184

### ***Dates and Changes***

In election law, there is no uniform date for municipal elections as there is for county elections. Private act charters prescribe election dates, and a private act municipality may change its election date by changing its charter. In addition to any existing charter provisions, a private act municipality may change its election via ordinance to coincide with the August or November general election. The ordinance changing an election date may extend terms for no more than two years as necessary to meet the general election date. T.C.A. § 6-54-138.

The general law mayor-aldermanic charter provides that the first election after the incorporation of the municipality shall be held no later than 62 days following the incorporation election; and it authorizes the board of mayor and aldermen to change its election date by ordinance to coincide with the August or November general election. The ordinance changing an election date may extend terms for no more than two years as necessary to meet the general election date. T.C.A. § 6-1-207, T.C.A. § 6-3-104.

The general law city manager-commission charter provides that the first election of commissioners shall be the fourth Tuesday following the incorporation election, and it authorizes the board of commissioners to change the election date by ordinance to coincide with the August or November general state election. The ordinance changing an election date may extend terms for no more than two years as necessary to meet the general election date. T.C.A. § 6-20-102.

The general law modified city manager-council charter provides that the first election of council members after the incorporation of the municipality shall be the fourth Tuesday following the incorporation election, and it authorizes the city council to change the election date by ordinance. The ordinance changing an election date may extend terms for no more than two years as necessary to meet the general election date. T.C.A. § 6-31-102.

## Qualifying Deadline for Municipal Election

**Reference Number:** MTAS-284

T.C.A. § 2-5-101(a)(3) requires candidates in municipal elections held with the August general election to file their nominating petitions by noon on the first Thursday in April, and candidates in other municipal elections to file their nominating petitions no later than noon on the third Thursday in the third calendar month before the election.

T.C.A. § 6-53-101 states, "The county election commission of each county shall hold, upon no less than one hundred twenty (120) days' notice, an election for mayor ... and other officers...." T.C.A. § 6-53-101(a)(2) requires municipalities that have changed the term of office of an elected official to file a certified copy of the ordinance changing the term with the county election commission at least seven days before the deadline for filing the notice of election under T.C.A. § 2-12-111.

## Early Voting

**Reference Number:** MTAS-289

Early voting applies to all elections, including municipal elections. T.C.A. §§ 2-6-101, *et seq.* The time and the place for early voting is not more than 20 days nor fewer than five days before the date of the election, at the office of the county election commission. However, in the case of a municipal election in which there is no opposition for any of the offices involved, the period is not more than 10 or fewer than five days before the election. Furthermore, with the exception of Nashville and Memphis, early voting is abolished in a municipal election not held in conjunction with a primary election, the regular August or November election or any special primary or general election for state or federal office if there is no opposition for any of the offices at issue.

The time during which the county election commission offices must be open for early voting is set in T.C.A. § 2-6-103 and includes certain Saturdays. However, municipalities of less than 5,000 in population may set the Saturday schedule. Certain rules govern the hours that election commission offices are open for early voting in municipal elections in the principal city in counties with a population of more than 150,000.

T.C.A. § 2-6-112 also provides that, at the request of the municipality, the county election commission must establish a satellite voting location for municipal elections, where the election is held at times other than the regular state general elections in August and November. The municipality is responsible for the cost of the satellite location.

The county election commission may choose not to have early voting at the election commission office when a municipality with a satellite voting location requests this. T.C.A. § 2-6-112.

## Determination of Residency

**Reference Number:** MTAS-287

### ***Determination of Residence for Voter Registration Purposes***

Any United States citizen who is or will be 18 years old before the next election date and is a Tennessee resident may register to vote unless he or she has been legally disqualified. T.C.A. § 2-2-102, T.C.A. § 2-2-104, T.C.A. § 2-22-122. The registrar follows T.C.A. § 2-2-122 to determine if a person is a Tennessee resident.

### ***Residency Requirements Applicable to Persons Living in a Newly Annexed Area***

People living in newly annexed territory have the same rights as any other people living in the city, as if the annexed area "had always been part of the annexing municipality". T.C.A. § 6-51-108(a). Therefore, any residency period in the annexed area would apply toward residency requirements for voting and running for municipal office.

Municipalities should consider election deadline dates when they annex territory. Municipalities that annex territory must provide the appropriate county election commission with:

- Maps depicting the area;
- A copy of the annexation ordinance denoting wards or districts, if applicable; and
- A copy of the census taken for the annexation, if available. T.C.A. § 2-2-107 (c).

### ***Notice to County Election Commission of Certain Changes***

The legislative body of each municipality must provide the county election commission an updated list of any changes to house, road, or street names and numbers every six months. T.C.A. § 7-86-127.

### ***Non-resident Property Owners' Voting Rights***

Tennessee statutes recognize non-resident property owners' voting rights in municipal elections if such rights are provided by municipal charter or general law. Separate voter registration for non-resident property owners is required. Therefore, non-resident property owners who also are registered to vote anywhere in Tennessee must register as property rights voters before registration closes for an upcoming municipal election, just as other voters must register. T.C.A. § 2-2-107, T.C.A. § 6-53-102. A municipality where non-resident property owners have voting rights may, via ordinance, require non-resident voters to vote absentee ballot via certified mail. Such an ordinance must be passed and filed with the county election no less than 60 days prior to an election where utilized T.C.A. § 2-6-205.

Presumably, only those people whose names appear on deeds or tax rolls would be eligible to register as non-resident property owners. T.C.A. § 2-2-107(a)(3) provides that no more than two persons are entitled to vote based upon ownership of an individual tract regardless of the number of property owners. If a partnership owns property, only partners named on the deed have non-resident voting rights. Corporate owners have no vote because the Tennessee Constitution and election laws authorize voter registration of only natural people. Article IV, Section 1, and T.C.A. § 2-2-102.

The general law city manager-commission charter provides that a person eligible to vote in municipal elections solely because of non-resident ownership of real property is not eligible for election as a commissioner T.C.A. § 6-20-103.

## Nominating Petitions

**Reference Number:** MTAS-288

Nominating petitions must be signed by the candidate and 25 or more registered voters eligible to vote for the office the candidate is seeking. T.C.A. § 2-5-101(b)(1). Such petitions may not be issued more than 90 days before the qualifying deadline. T.C.A. § 2-5-102 (b)(5).

The county election commission office is required to furnish nominating petition forms for municipal elections. T.C.A. § 2-5-102(b)(1). Candidates in a city that lies in two or more counties must file their original nominating petitions with the chairperson or administrator of elections in the county where the city hall is located. They also must file certified duplicates of the petition with the commissions of all the counties in which the city lies. T.C.A. § 2-5-104.

If candidates miss a filing deadline or if their petitions do not contain the signatures and home addresses of at least 25 registered voters eligible to vote for the offices the candidates are seeking, their names may not be printed on the ballot. T.C.A. § 2-5-101(c).

T.C.A. § 2-5-101 and T.C.A. § 2-2-204 provide procedures for qualifying additional candidates if another candidate is nominated but dies or withdraws before the election.

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