

RUTHERFORD COUNTY ELECTION COMMISSION



Election Information
For the Candidate
2006

September 1, 2005

Dear Candidate:

Members of the Rutherford County Election Commission, along with office personnel, compiled this booklet in response to numerous questions by candidates and their campaign workers about the election process and procedures.

Regretfully, we don't have the space to cover every election process. However, we have attempted to provide information concerning those situations most frequently asked about. Please take the time to read through this booklet and familiarize yourself with the procedures and guidelines we follow. Then share this information with your campaign staff, workers and supporters. This action may prevent an embarrassing situation later.

Members of the Election Commission, the Administrator, and the Election Commission office staff are at your service. All office staff members have the ability and knowledge to assist you with any questions you might have. If we don't have the answer for you immediately, please be assured that we will get back to you promptly with the correct information you are seeking. Also, when you observe campaign signs posted illegally, observe poll workers abusing their positions, or if you see vehicles displaying campaign information parked inside the 100 foot boundary, or anything else you believe to be improper, call us immediately. There is very little we can do if you wait until after the election to bring it to our attention.

I hope this information will be beneficial during this campaign season. Please feel free to call our office with questions and comments concerning the election process.

Sincerely,

H. Hooper Penuel, Jr.
Administrator

September, 2005

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2005-2006 Key Election Dates

- November 8, 2005** **Town of Smyrna Election**
Mayor and Three Council Members (Four-Year Terms)
May 20th, 2005 – 1st Day to Pick Up Petitions
August 18th, 2005 – Last Day to Qualify – 12:00 Noon
October 10th, 2005 – Registration Deadline For This Election
October 27th – November 2nd, 2005 – Early Voting Period
November 8th, 2005 – Election Day Polls Open 7-7 pm
- April 18th, 2006** **Murfreesboro/*Eagleville Municipal Elections**
Murfreesboro – Mayor, Three Council Seats and 3 School Board Seats (Four Year Terms)
Eagleville Mayor and Three Council Seats (Four-Year Terms)
October 21st, 2005 – 1st Day to Pick Up Petitions
January 19th, 2006 – Last Day to Qualify – 12:00 Noon
March 17th, 2006 – Registration Deadline For This Election
*March 29th – April 13th, 2006 – Early Voting Period
April 18th, 2006 – Election Day Polls Open 7-7 p.m.
- *Eagleville Early Voting at Election Commission Office Only
- May 2, 2006** Rutherford County Primary Election (If Called for by Party Executive Committee)
County Mayor
County Trustee
Sheriff
Circuit Court Clerk
County Clerk
Register of Deeds
Public Defender (16th Judicial District)
(All Four-Year Terms)
November 18th, 2005 – 1st Day to Pick Up Petitions
(If the parties have called for the election)
February 16th, 2006 – Last Day to Qualify (12:00 Noon)
March 31st, 2006 – Last Day to Register to Vote
April 12th – 27th, 2006 – Early Voting Period
May 2nd, 2006 – Election Day Polls Open 7-7 p.m.
- August 3rd, 2006** **Federal & State Primary/County General**
- FEDERAL & STATE PRIMARY**
Governor
United States Senate
United States House of Representative 6th Congressional District
Tennessee Senate 13th Senatorial District
Tennessee House of Representatives 34th, 48th, 49th, and 62nd Districts
State Executive Committeeman 13th & 16th District
State Executive Committee Woman 13th & 16TH District

RUTHERFORD COUNTY

(Independent Candidates)

District Attorney General		16th Judicial District
Circuit Court Judges (Parts I,11,111,IV)		16th Judicial District
Chancellor		16th Judicial District
General Sessions Judges (Parts I, 11,III)		
Juvenile Court Judge		
Smyrna Town Judge		
County Commissioners		21 Districts
Road Board	Zone 2	Districts 1,2,3
Road Board	Zone 4	Districts 8,9,10
Road Board	Zone 5	Districts 5,11,12
School Board	Zone 1	Districts 5,11,12
School Board	Zone 4	Districts 8,9,10
School Board	Zone 7	Districts 14,19,20
Constables		21 Districts

Primary winners advance to August General if a Primary is called for.

January 6th, 2006 – 1st day to pick up petitions
April 6th, 2006 – Last Day to Qualify 12:00 noon
July 3rd, 2006 – Voter Registration Deadline
July 14th-29th, 2006 – Early Voting Period
August 3rd, 2006 – Election Day – Polls open 7-7 pm

October 3rd, 2006

**LaVergne Municipal (Mayor & 2 Alderman Seats)
(Four Year Terms)**

April 21, 2006 – 1st day to pick up petitions
July 20th, 2006 – Last Day to Qualify 12:00 noon
September 1st, 2006 – Voter Registration Deadline
(Early Voting dates and times to be determined)
October 3rd – Election Day – Polls Open 7-7 pm

November 7th, 2006

**State & Federal General Election – Governor, U. S House
Of Representatives (6th Cong. Dist); TN Senatorial (13);
TN House of Representatives (34,48,49,62)**

January 6th, 2006 – 1st Day to Pick Up Petitions
October 6, 2006 – Voter Registration Deadline
October 18th – November 2nd, 2006 – Early Voting Period
November 7, 2006 – Election Day (Polls open 7-7 pm)

VOTER REGISTRATION
(TCA 2-2-101, 2-2-207)

Tennessee Law requires that voter registration be closed for thirty (30) days before every election. Voter registration is available at the Election Commission Office, #1 Public Square South, Rm # 103 from 8:00am – 4:30pm Monday through Friday. In addition, voter registration forms are available at Driver License Stations, Department of Human Services, Libraries, the County Clerk Offices, Chamber of Commerce, Military Recruitment Offices, Department of Veterans Affairs and the Internet <http://www.state.tn.us/sos/election/outlines.htm>

Registration forms are available should you wish to register others to vote. If you register someone to vote and offer to return the registration form for that person, make sure that you do return the form to the Election Commission.

Registration forms are available from the Election Commission for any organization that would like to hold a registration drive.

You must re-register if you: move outside your county: have a name change: or had full rights restored by a court order or pardon.

Anyone who will be eighteen (18) years old by election day may register to vote.

ADDRESS CHANGES FOR VOTERS ALREADY REGISTERED IN THE COUNTY may be made in person or by calling the Election Commission office, 898-7743. Voters may also change their address at any satellite voting location until five (5) days before the election. Voters who have moved and failed to change their address prior to Election Day may experience more difficulty in the voting process.

NOTES:

VOTER REGISTRATION LIST
(TCA 2-2 138)

Computer printout list of registered voters in Rutherford County are available for sale to any person who certifies that such lists will be used for political purposes only. Individual registered voters social security numbers will not be provided or released to the public in any form.

Lists available are as follows:

Alphabetical List by Precinct

This list contains the voter's name and address.

Alphabetical Enhanced List by Precinct

This list contains the voter's name, address and telephone number.

Alphabetical Sort List by Precinct

This list may be sorted by age, race, sex, etc.

Voter registration information is available for sale on a diskette, CD or by the page. The current costs of the diskette/CD start at \$40.00. This information is customized per candidate request and up to ten years of voting history is available. A file format is provided with the diskette. The buyer of information on diskette is responsible for the technical use of the diskette. In other words, once we sell the diskette to you, you must have the computer literacy to use the information. Also lists are available on paper at \$.25 per page

UNDER NO CIRCUMSTANCES WILL EMPLOYEES OF THE ELECTION COMMISSION INSTRUCT YOU ON THE TECHNICAL USE OF THE DISKETTE.

NOTES:

INFORMATION DISK

CERTIFICATION FOR PURCHASE OF VOTER INFORMATION

As required by T.C.A. §2-2-138, that the voter list diskette(s) and /or printed list of registered voters I am purchasing today will be used for political purposes only. False certification is a Class C misdemeanor punishable by a fine of fifty dollars (\$50.00)

NAME: _____ HOME PHONE: _____

ADDRESS: _____ BUISNESS PHONE: _____

POLITICAL OFFICE _____

SIGNATURE: _____

FORMAT TYPE

ASKI _____ DOS TEXT

D-BASE _____ DBASE

WKS _____

SET UP _____ @ \$35.00 _____

FLOPPY DISK _____ @ \$ 5.00 _____

C.D. _____ @\$ 10.00 _____

ZIP DISK _____ @ \$15.00 _____

TOTAL _____

INFORMATION REQUESTED

ALL _____

VOTER NBR _____ CONGRESS _____

NAME _____ CTY SCHOOL _____

ADDRESS _____ STATUS _____

MAIL ADDRESS _____ STATE ID _____

PHONE _____ ELECTIONS _____

REG DATE _____ ALL _____

DOB _____ NONE _____

BIRTH PLACE _____ ELECTION 1 _____ 11 _____ 21 _____ 31 _____

RACE _____ ELECTION 2 _____ 12 _____ 22 _____ 32 _____

GENDER _____ ELECTION 3 _____ 13 _____ 23 _____ 33 _____

DISTRICT _____ ELECTION 4 _____ 14 _____ 24 _____ 34 _____

PRCT NUM _____ ELECTION 5 _____ 15 _____ 25 _____ 35 _____

WARD _____ ELECTION 6 _____ 16 _____ 26 _____ 36 _____

ST SENATE _____ ELECTION 7 _____ 17 _____ 27 _____ 37 _____

HOUSE _____ ELECTION 8 _____ 18 _____ 28 _____ 38 _____

ELECTION 9 _____ 19 _____ 29 _____ 39 _____

ELECTION 10 _____ 20 _____ 30 _____ 40 _____

*****ALL INFORMATION IS AVAILABLE ON PAPER BY REQUEST*****

OFFICE USE ONLY

TAKEN BY: _____

CIRCLE ONE

IN PERSON

BY PHONE

GUIDE TO VOTING

You may vote if you are registered.

You vote at your polling place on Election Day in the precinct where you are registered, which will be listed on your voter registration card. Voting hours are published. Identification with your signature will be requested.

You may vote early in person at the locations designated by the County Election Commission twenty (20) to five (5) days before the election.

You may ask for assistance to vote if you are blind, disabled, elderly, or if you are illiterate. Your ballot can be marked for you by your mother, father, brother, sister, spouse or an election official of your choice. If your polling place is not handicapped accessible, call the County Election Commission for instructions to vote at the Election Office.

If disabled or the caretaker of a disabled person, you may be placed on the permanent absentee ballot mailing list; call your County Election Commission for details.

NOTES:

EARLY VOTING
(TCA 2-6-102, 2-6-105)

Early Voting begins twenty (20) days and ends five (5) days before each election. Early Voting is conducted at satellite locations to be announced.

No reason is needed to vote early.

If needed, the voter may change his/her address or name while voting early. Inactive voters can also be reactivated. We strongly encourage candidates and their workers, who may encounter a voter who needs to change his/her name or address, to do so prior to the deadline to register or at the latest, during early voting.

Voters need to bring some form of identification with them. The voter's registration card is our first choice because it has the voter's number on it and speeds up the process.

Hours for early voting will be decided by the Election Commission and announced before each election.

On the last day of early voting, Voting machines will be sealed and taken to a secure location. Early voting results will be tallied and announced after closing of the polls at 7:00 p.m. on election night.

NOTES:

ABSENTEE VOTING
(TCA 2-6-101 THRU 2-6-601)

A person sixty-five (65) years of age or older may request to vote by absentee ballot.

If the voter will be outside the county where the voter is registered during the early voting period and on Election Day during all the hours the polls are open, the voter may request an absentee ballot.

A voter who is enrolled as a full-time student in an accredited college, university or similar accredited institution of learning, which is outside the county where the voter is registered, may request to vote by absentee ballot. This provision also applies to the spouse who resides with the student.

The County Election Commission shall establish a permanent absentee voting register for any person who is, because of sickness, hospitalization, or physical disability, unable to appear at either the Election Commission Office or at the person's polling place. To be eligible for placement on the register, a voter shall file a statement from their licensed physician with the County Election Commission.

Anyone who is 65 years or older and is otherwise eligible, may request an absentee ballot.

NOTES:

VOTING BY MILITARY AND OVERSEAS CITIZENS
(TCA 2-6-501 THRU 2-6-503)

An application for an absentee ballot or temporary registration or both from armed forces personnel anywhere outside the county where the voter is registered or from qualified voters temporarily staying outside the territorial limits of the United States and the District of Columbia may be in any form but shall contain the applicant's name, date of birth, and residence in the county in which the applicant purposed to vote and shall contain the address to which the absentee ballot is to be mailed. If the election is a primary election, the applicant shall state such applicant's political party preference. The federal postcard application, "Form 76", shall be accepted for temporary registration and for an absentee ballot.

Military and overseas citizens shall automatically be sent an absentee ballot through two (2) regularly scheduled general elections for federal office. The voter is not required to submit any other request during this period of time.

NOTES:

EMERGENCY ABSENTEE VOTING
(TCA 2-6-401)

When a voter is hospitalized in an emergency situation, WITHIN RUTHERFORD COUNTY, the voter may request the services of an emergency absentee voting registrar. Request must be made no later than opening of the polls on Election Day. In addition, upon showing reasonable proof to the Administrator of Elections, the voter shall be eligible to vote absentee by personal appearance at the Election Commission Office not more than five (5) days nor later than the day prior to Election Day due to the death of a spouse, parent or child, or if the voter receives a subpoena or service of process requiring his presence on Election Day.

NOTES:

NOMINATING PETITION INFORMATION
(TCA 2-1-107)

All petitions must be obtained from the Rutherford County Election Commission office. We prefer you come in person to obtain your petition but if extenuating circumstances occur an agent may pick up a petition on a candidate's behalf or if necessary a petition may be mailed to the candidate. Also, an agent may return the petition for the candidate. With the exception of the Candidate's Section, the petition must be completed in the Election Commission Office. (No titles may be printed with the candidate's name.)

No photocopies of a petition will be accepted. Additional copies of the petition must be obtained from the Election Commission Office.

Nominating petitions must be signed by the candidate and twenty-five (25) or more registered voters who are eligible to vote to fill the office. Eligible refers to people who are registered to vote in Rutherford County and would be qualified to vote for the candidate. We recommend that potential candidates obtain more than 25 signatures due to the fact that some people may not be registered or may have become ineligible to vote.

Voters signing your petition should sign their name as it is listed on their voter's registration. Many signatures are very difficult to read. In these cases, please print the name beside the signature.

Each voter must sign his/her own name. Husband cannot sign for their wives and wives cannot sign for their husband. Anyone who cannot sign his own name due to disability must have two (2) witnesses.

Voters signing the petition must list their CORRECT RESIDENCE ADDRESS including the city. A Post Office Box number will NOT be accepted as an address.

Individuals who wish to withdraw their nominating petitions have one week to do so. A written request to withdraw signed by the candidate must be filed with the Rutherford County Election Commission prior to 12:00 noon, seven (7) days after the qualifying deadline. A FAX will not be accepted. A phone call will not be accepted.

Only the names of candidates who have met all the necessary qualifications shall be placed on the ballot.

Individuals with a felony conviction must have their rights restored before they qualify, seek or hold any office in the State of Tennessee.

All petitions must be filed before 12:00 noon (on the last day of qualifying) with the Rutherford County Election Commission.

Nominating signatures are verified in the order in which we receive the candidates' petitions. You will be notified of any problems with your petition. Any deficiency may be corrected by noon, on the day of qualifying.

NOMINATING PETITION INFORMATION (CON'T.)
(TCA 2-1-107)

State House of Representative candidates must file their **original petition** in the County Election Commission office where they reside. They also file a **certified copy** of the original petition in the County Election Offices in each county wholly or partially within the candidate's house district.

District 34	Rutherford County
District 48	Rutherford County
District 49	Rutherford County
District 62	Rutherford, Bedford & Lincoln County

All petitions (original and certified copies) must be filed by **NOON** on Qualifying Deadline. **This is the candidates responsibility.**

Chancellor, Circuit Court Judge, General Session Judge, Juvenile Court Judge, District Attorney General and District Public Defender candidates, must file their original petition in the County Election Commission Office where they reside. They must also file a Certified copy of original petition in the other County Election Commission Office (Rutherford and Cannon are the counties in the 16th Judicial District). All petitions (original and certified copies) must be filed by NOON on Qualifying Deadline. **This is the candidate's responsibility.**

The offices of Sheriff, Constable, school Board and Highway Superintendent require specific qualification documents that must be filed as part of the qualifying process. Qualifications for these and other elected offices in Tennessee are listed in this booklet under "Qualifications for Elected Offices in Tennessee. Qualifications are included in candidate packets and it is the candidates responsibility to meet these requirements.

NOTES:

STATEMENT OF INTERESTS
(TCA 8-50-501)

All candidates must file a Statement of Interest form with the County Election Commission or Registry of Election Finance, whichever applies. Forms must be filed within thirty (30) days following the qualifying deadline for candidates and within thirty (30) days from the date of appointment. Amended disclosure must be filed whenever reported conditions change because of the termination or acquisition of interests for which disclosure is required. Refer to: "Campaign Financial Disclosure Guidelines for Candidates"

The Statement of Interest form shall be signed by the candidate/officeholder/appointee and witnessed and signed by another party.

NOTES:

CAMPAIGN FINANCIAL DISCLOSURE
(TCA 2-10-101 THRU 2-10-210)

Each candidate shall file a Campaign Financial Disclosure Statement with the local County Election Commission or the Registry of Election Finance, whichever applies. See “Campaign Financial Discloser Guideline for Candidates”

Exception:

If a candidate is seeking an office for which service is part-time, compensation is less than five hundred dollars (\$500) a month and the candidate does not spend more than one thousand dollars (\$1,000) to get elected to office, the candidate does not have to file Campaign Financial Disclosure Statements, unless the office sought is a Chief Administrative Office. However, the candidate must file a Statement of Interests form.

APPOINTMENT OF TREASURER:

Before any contributions can be received or monies spent (except for incidental monies spent by a person to determine if he/she is to become a candidate) each candidate is required to file a Campaign Financial Disclosure Statement and each political campaign committee must file an Appointment of Political Treasurer form with the appropriate receiving authority (the local Election Commission and/or Registry of Election Finance). This form shall certify the name and address of the political treasurer and shall be witnessed.

A candidate may appoint him/herself or another person as the political treasurer. If a candidate appoints another person to act as political treasurer, the candidate must co-sign all reports required to be filed under the Campaign Financial Disclosure Act. As a matter of practicality, make sure your treasurer is someone who will be in town when it is time to file reports.

A candidate or political campaign committee must open and maintain a separate bank account into which all campaign contributions must be deposited. All expenditures must be made from this campaign account. Under no circumstances may any campaign money be co-mingled with the candidate’s private funds.

All records used by the candidate or political campaign committee to complete all parts of campaign financial disclosure shall be retained by the candidate or political campaign committee for at least one (1) year after the date of the election to which the records refer.

If you plan to give your campaign start-up money you should show the amount of contribution as a loan rather than a donation to the campaign. If you show the amount as a donation and have excess funds at the end of the campaign you can not give this money back to yourself. The amount remains part of the campaign funds. If you show the amount as a loan to the campaign and have excess funds at the end of the campaign then you may repay the loan to yourself.

CAMPAIGN FINANCIAL DISCLOSURE (CON'T.)
TCA 2-10-101 THRU 2-10-210

CONTENT OF FINANCIAL DISCLOSURE

If the contributions received or the expenditures made do not exceed one thousand dollars (\$1,000) only the first page of the disclosure form must be completed. This amount is for each reporting period.

If the amount received or expended exceeds one thousand dollars (\$1,000):

1. Each contribution of more than one hundred dollars (\$100) must be listed, giving the full name of the contributor, the complete address of the contributor, the date of the contribution, the amount of the contribution and the aggregate amount given by the contributor for the current reporting period.
2. Each contribution of less than one hundred dollars (\$100) may be totaled together in line 15a. on the summary page. No disclosure, as required in #1, is necessary if the contribution from each individual during the reporting period is one hundred dollars (\$100) or less.
3. Each expenditure of over \$100 must be listed individually, giving name, complete address, purpose of expenditure and amount of expenditure.
4. Each expenditure of \$100 or less may be categorized and listed in line 19 of the summary page. Categories may include postage, printing, gasoline, etc.
5. Any loans made to a candidate must be disclosed on the Itemized Statement of Loans form. In addition, the total amount of outstanding loans must be shown in Line 23 of the Summary Page.
6. Any outstanding obligations existing at the end of the reporting period must be included in the Itemized Statement of Obligations form or in line 24 of the Summary page, following the above \$100 rule.

If checks are received for contributions from more than one person the signatures of all those included in the contribution must be on the face of the check.

It is unlawful for the executive officers or other representatives of any corporation to contribute corporate funds to the campaign fund of any candidate.

WHEN TO FILE:

1ST REPORTING PERIOD – The 1st Reporting Period should reflect the time period from and including the day the first contribution was received, or the first expenditure made, or the date of the appointment of treasurer, whichever was earlier, through the tenth (10th) day before the election. **REMINDER: AN APPOINTMENT OF TREASURER FORM SHOULD BE FILED WITH THE ELECTION COMMISSION OR REGISTRY BEFORE ANY CONTRIBUTIONS ARE ACCEPTED OR ANY EXPENDITURE MADE.** This report must be filed no later than seven (7) days before the election. In other words, this reporting period should include all transactions from the beginning of the candidate's campaign through the tenth (10th) day before the election. Candidates **MAY NOT** file Campaign Financial Disclosure Forms before the ninth (9th) day before the election. This applies to both the Pre-Primary and the Pre-General Reports.

CAMPAIGN FINANCIAL DISCLOSURE (CON'T.)
TCA 2-10-101 THRU 2-10-210

2ND REPORTING PERIOD – This period includes all campaign transactions beginning on the ninth (9th) day before the election through the forty-fifth day after the election. Reports must be filed no later than forty-eight days after the election. Again, candidates may not file Disclosure Forms before the forty-sixth (46th) day after the election.

Supplemental Statement: If the statement for the 2nd Reporting Period shows an expended balance of contributions or an expenditure deficit, the candidate/committee shall file a supplemental annual statement of contributions and expenditures.

PENALTY FOR LATE FILING:

It is very important that all statements required by law be filed on time. “The Registry of Election Finance Act 1989” established penalties for late filing. A “Class One Offense” which is the late filing of any report or statement required by this chapter is punishable by a civil penalty of not more than twenty-five (\$25) per day up to a maximum of seven hundred fifty dollars (\$750).

ALL CANDIDATES WILL BE NOTIFIED WHEN REPORTS ARE DUE. PROPER FORMS WILL BE INCLUDED FOR USE BY THE CANDIDATES.

NOTES:

WHERE TO FILE

	OFFICE WHERE REPORT IS TO BE FILED	
OFFICE CANDIDATE IS SEEKING	Campaign Financial Disclosure Statement (Includes allocation report for surplus funds)	STATEMENT OF INTERESTS
GOVERNOR	REGISTRY	REGISTRY
STATE SENATOR	REGISTRY AND LOCAL COUNTY ELECTION COMMISSION IN COUNTY OF CANDIDATE'S RESIDENCE	REGISTRY
STATE REPRESENTATIVE	REGISTRY AND LOCAL COUNTY ELECTION COMMISSION IN COUNTY OF CANDIDATE'S RESIDENCE	REGISTRY
MEMBER OF EXECUTIVE COMMITTEE OF A POLITICAL PARTY	LOCAL COUNTY ELECTION COMMISSION	LOCAL COUNTY ELECTION COMMISSION
DISTRICT ATTORNEY GENERAL	REGISTRY	REGISTRY
DISTRICT PUBLIC DEFENDER	REGISTRY	REGISTRY
SUPREME COURT JUSTICE, JUDGE OF COURT OF APPEALS, JUDGE OF COURT OF CRIMINAL APPEALS	REGISTRY	REGISTRY
ALL OTHER JUDGES	LOCAL COUNTY ELECTION COMMISSION IN EACH COUNTY WHERE CANDIDATE IS ON THE BALLOT	LOCAL COUNTY ELECTION COMMISSION IN COUNTY OF CANDIDATE'S RESIDENCE
DELEGATE TO TENNESSEE CONSTITUTIONAL CONVENTION	REGISTRY	REGISTRY
ALL OTHER CANDIDATES FOR ELECTED PUBLIC OFFICE (Includes elected county and city offices)	LOCAL COUNTY ELECTION COMMISSION	LOCAL COUNTY ELECTION COMMISSION

WHERE TO FILE (CONT.)

If a candidate is seeking an office for which service is part-time, compensation is less than \$500 a month and the candidate does not spend more than \$1,000 to get elected to office, the candidate does not have to file campaign financial disclosure statements, unless the office sought is a chief administrative office. However, the candidate must file a Statement of Interest.

If a candidate is running for the same office that he/she holds and filed an annual Statement of Interests in January of the same year as the election, then the candidate is not required to file another statement.

NOTES:

T.C.A § 2-19-120- Commonly Referred to as the “Disclaimer Law”

I. Highlights of the Disclaimer Law

A. To whom does it apply? Candidates

1. Definition of Candidate – T.C.A. § 210102 (3) provides that “Candidate” means an individual who has made a formal announcement of candidacy or who is qualified under a law of this state to seek nomination for election or elections to public office, or has received contributions or made expenditures except for incidental expenditures to determine if one shall be a candidate, or has given consent for a campaign committee to receive contributions or make expenditures with a view to bring about the individual’s nomination for election or election to state public office.

B. When does the statute apply? Whenever any person:

1. Makes an expenditure to finance a communication that expressly advocates the election or defeat of a clearly identified candidate, or
2. Solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising.
3. Exceptions: The requirements of this section do not apply to bumper stickers, pins, buttons, pens, novelties, and similar small items upon which the disclaimer cannot be conveniently printed.

C. What is the penalty for its violation? Class C misdemeanor

D. Who enforces the statute? The District Attorney General

II. Actual Text of the Statute

(a) Whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate, as defined by § 2-10-102, or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising, a disclaimer meeting the requirements of subdivision (a)(1), (2), (3) or (4) shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication. Such person is not required to place the disclaimer on the front face or page of any such material, as long as a disclaimer appears within the communication, except on communications, such as billboards, that contain only a front face.

(1) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent shall clearly state that the communication has been paid for by the authorized political committee, in addition to the identity of the person who is the head of such committee, or the identity of the treasurer of such committee.

(2) Such Communication, including any solicitation, if authorized by a candidate, an authorized committee of a candidate or an agent thereof, but paid for by any other person, shall clearly state that the communication is paid for by such other person and is authorized by such candidate, authorized committee or agent.

(3) Such communication, including any solicitation, if made on behalf of or in opposition to a candidate, but paid for by any other person and not authorized by a candidate, authorized committee of a candidate or its agent, shall clearly state that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee.

(4) (A) For solicitations directed to the general public on behalf of a political committee which is not an authorized committee of a candidate, such solicitation shall clearly state the full name of the person who paid for the communication.

(B) For purposes of this section, whenever a separate segregated fund solicits contributions to the fund from those persons it may solicit, such communication shall not be considered a form of general public advertising. Such advertisements shall also include the name of the printer of such advertisement, and the identity of the person who paid for the advertisement.

(b)(1) [Deleted by 2004 amendment.]

(2) [Deleted by 2004 amendment.]

(3) The requirements of this section do not apply to bumper stickers, pins, buttons, pens, novelties, and similar small items upon which the disclaimer cannot be conveniently printed.

(c) A violation of this section is a Class C misdemeanor.

PREPARATION AND EXAMINATION OF VOTING MACHINES
(TEA 2-9-105)

The County Election Commission shall have the proper ballots placed on the voting machines and shall have the machines put in proper order for voting with the registering counters set at zero (000), the counting mechanisms locked, and each machine sealed with a pre-numbered seal. The voting machine technician shall certify in writing that, before sealing each machine but after preparing it for an election, such technician has tested each voting machine and it is in proper working order.

By law each candidate is to be notified in writing of a date that they may come to inspect all machines that are to be used in the election. This inspection is to be accomplished before the outside case seal is placed. You are not required to be present for this inspection. After the machines have been examined, the technician shall seal the machines, make a certificate in writing listing machine numbers, whether the machines are set at zero (000), the number registered on each protective counter and number on each seal. This certificate shall be filed in the Election Commission Office.

After the machines have been prepared for the election they will be delivered to the polling place in which they are to be used at least twelve (12) hours before the time set for the opening of the polls.

After the election, the machines will be returned to the Election Commission Operation Center as soon as possible.

NOTE:

CAMPAIGN SIGNS

It is unlawful for any person to place or attach any type of show-card, poster, advertising material or device, including election campaign literature, on any kind of poles, towers or fixtures of any public utility company, whether privately or publicly owned unless legally authorized to do so.

You should not put signs on right of ways or in places that could block the view of oncoming vehicles. (See guidelines for the City of Murfreesboro, for assistance call Phillip Moore (893-3750) other cities contact the Mayor's office. For Rutherford County see Summary of Regulations or contact Zoning Enforcement Office at 898-3744.)

If you want your signs after the election, you might consider removing them the day after or they may be destroyed or picked up by someone else.

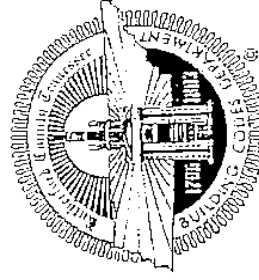
Election day – 100' boundary will be marked off from the entrance to the polling place. No campaigning will be allowed within this boundary. No campaign signs will be allowed on the building in which the polling place is set up. You may put signs, etc. outside boundaries. Suggest you be extremely careful about where you put up signs and park vehicles. We will have vehicles towed that block entrances to the polling place.

Caps, pins, buttons, or T-shirts displaying campaign materials are prohibited inside the polling place and within the 100ft boundary.

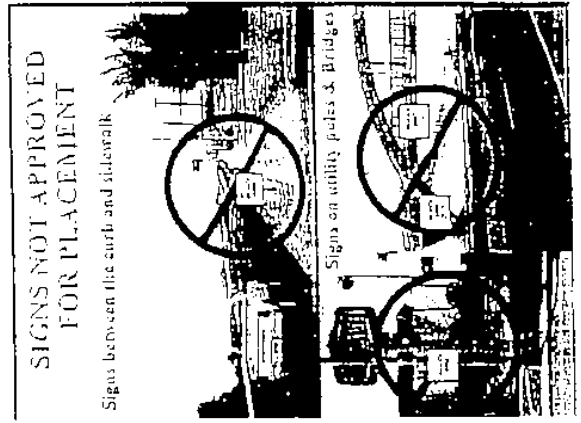
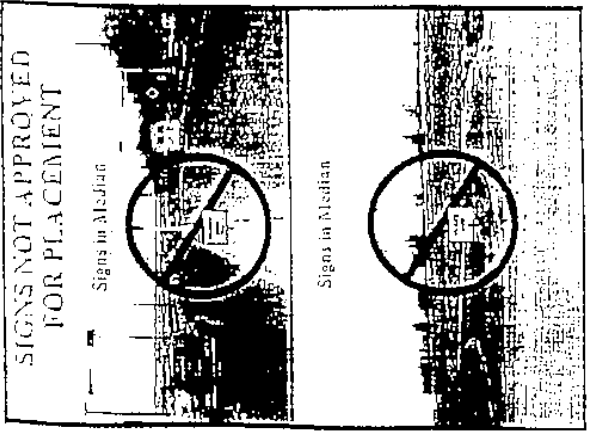
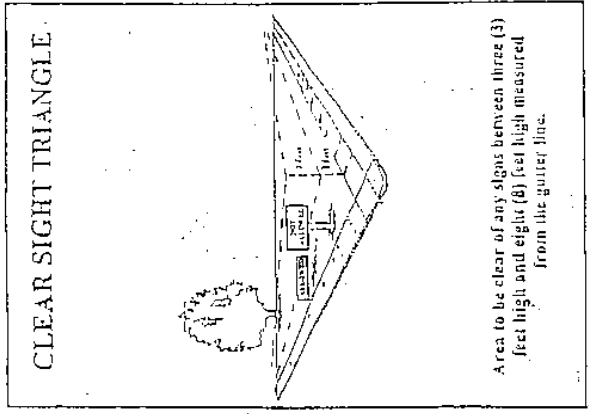
NOTES:

POLITICAL SIGN REGULATIONS

Prepared for
Candidates and Supporters of
candidates in the
Non-Incorporated areas of
Rutherford County



Rutherford County Tennessee
Codes Administration
Zoning Enforcement Division
One South Public Square, Room 101
Murfreesboro, TN 37130
(615) 898-7734
E-mail: lichtenberger2@mail.rc.state.tn.us



**POLITICAL SIGNS
A NARRATIVE SUMMARY
OF REGULATIONS**

All signs erected within the non-incorporated areas of Rulherford County, including political signs pertaining to a specific election, are regulated by the Rulherford County Zoning Resolution, Article XX. A summary of Section 20.06, Temporary Signs, states the following:

Temporary signs containing noncommercial reference to political parties or candidates for election may be erected or displayed and maintained given the following conditions:

1. The size of any such sign is not to exceed thirty-two (32) square feet.
2. The signs shall not be erected more than sixty (60) days prior to the Election Day, including early voting, and shall be removed not later than seven (7) days after the election.
3. No political sign shall be placed on county property, state property or any portion of platted or dedicated streets or alleys, public utility poles, vegetative material or traffic-control sign standards.
4. This section shall not be deemed to grant the right to install political signs where such signs are prohibited by subdivision restrictions or prohibitions imposed by deed, contract, or state statute.

5. Signs meeting the above criteria do not require permits from the Codes Department.

Signs placed upon a vehicle are also allowed, provided that any vehicle with a sign face over two square feet is not conspicuously or continually parked in such a manner so as to constitute a sign. The vehicle must be used for legitimate vehicular purposes.

Portable trailer signs shall require a temporary sign permit and are valid for fourteen (14) days, four (4) times a year. Permits for portable signs shall not be issued for consecutive time periods. Portable trailer signs are prohibited along designated Scenic Highways or Scenic Parkways.

No signs shall be placed in the public right-of-way including street medians, street islands, between the sidewalk and the street, on utility poles or trees. In addition, signs should not encroach upon the clear sight triangle at street intersections. Signs placed on buildings may not extend above the roofline.



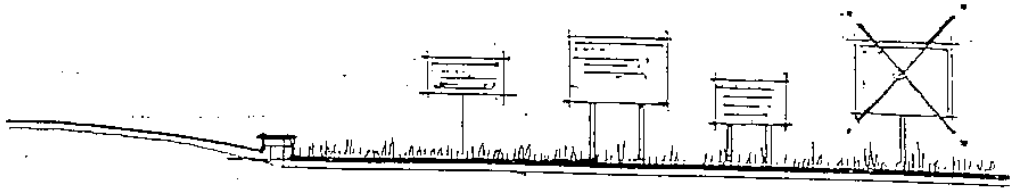
Removal of Certain Signs
The Zoning Enforcement Office may cause the removal of unauthorized advertising signs from the public right-of-way. Such signs may be impounded as evidence. A penalty fee of fifty dollars (\$50) shall be charged for the sign to be returned to the owner.

Disposal of Signs
Any sign removed by the Zoning Enforcement Office pursuant with the provisions of the Zoning Resolution shall become property of the County and may be disposed of in any manner deemed appropriate by the County. Cost of removal of the sign by the County shall be considered a debt owed to the County by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the County or by assessment against the property as hereafter provided. The cost of abatement or removal shall include any and all incidental expenses incurred by the County in connection with the sign abatement or removal.

Any questions regarding these regulations should be brought to the immediate attention of the Zoning Enforcement Office at (615) 898-7734.

The maximum number of temporary ground signs allowed on each lot is three (3).

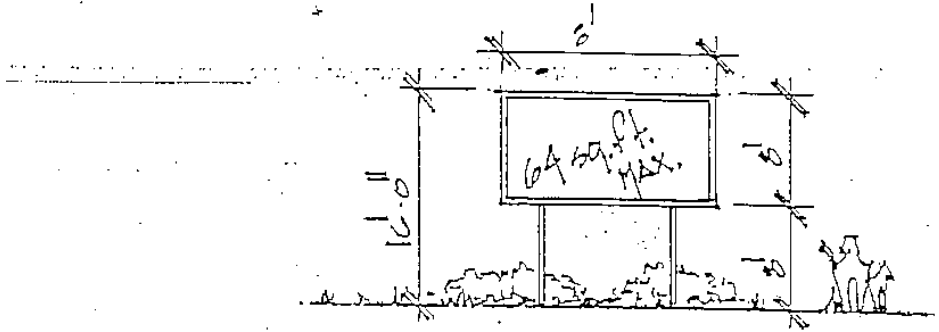
Example:



Height: The maximum size and height of the sign is based on the zone district:

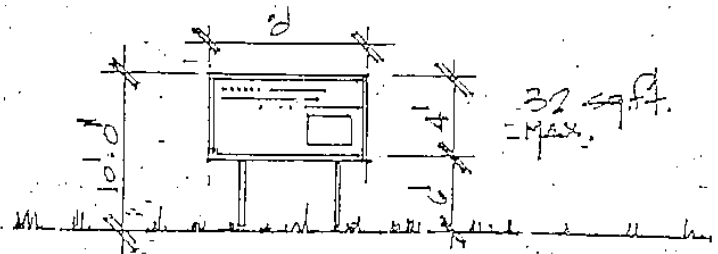
- In commercial zones the maximum size allowed is 64 sq. ft. and the maximum height is 10'.

Example:



- In residential zones the maximum size allowed is 32 sq. ft. and the maximum height is 10'.

Example:



There is no limit on the overall length of time you are allowed to display signs, however signs must be removed within 10 days of the election.

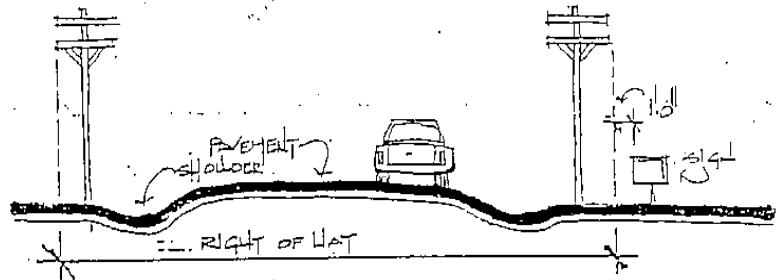
No permits are required

These Temporary Ground Sign Guidelines are not a code, nor are they written in code language. These guidelines are designed to provide an illustrated overview of the sign regulations. A copy of the actual code text is available from the Building and Codes Department, located in City Hall. For assistance call Phillip Moore, Inspector at 893-3750.

Location/Setback: Place signs on private property only. Signs are not allowed in the road or street Right of Way on City property.

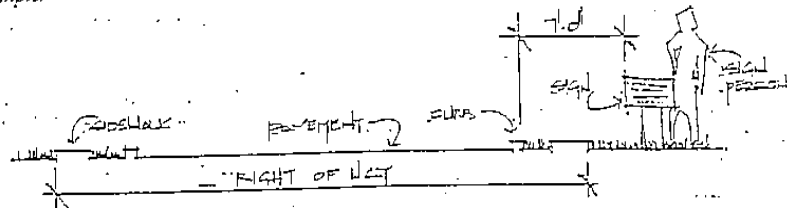
- The Right of Way can generally be determined by the utility poles. The utility poles are located near the outer most edge of the right of way. If you place the sign at least one foot or more behind the lines of the utility poles, you should be in good shape. If a sidewalk is present, place the sign behind the sidewalk and behind the lines of the utility poles.

Example:



- In areas with no utility poles, the Right of Way can generally be determined by the concrete curbs. The concrete curbs are usually located six feet from the outer most edge of the right of way. If you place the sign at least seven feet or more behind the curb line, you should be in good shape. If a sidewalk is present, place the sign behind the sidewalk.

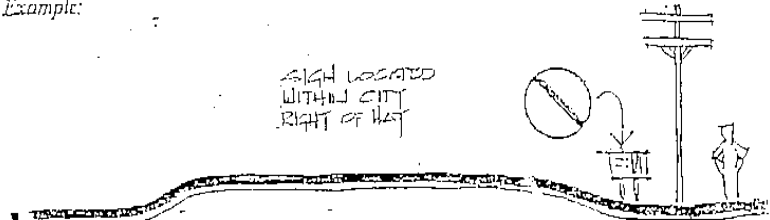
Example:



Violations/Penalties: Signs placed on City property or in the road or street Right of Way, will be impounded by the City and fines assessed for their return:

- \$5.00 for a sign 5 1/2 square feet or less
 - \$25.00 for a sign over 5 1/2 square feet
- Signs can be picked up at the Building and Codes Department between the hours of 8:00-10:00 a.m. Monday-Friday or by appointment. For assistance contact Carol McCulloch, Code Enforcement Secretary at 615-893-3750.

Example:



ELECTION DAY
(TEA- 2-3-201, 2-7-103, 2-7-127)

Polls open at 7:00 AM and close at 7:00 PM on Election Day. Anyone standing in line at 7:00 PM will be allowed to vote. The Officer Of Elections will position a poll worker at the end of the line at 7:00 pm. Anyone seeking to get at the end of the line after that time will not be allowed to vote.

Throughout Election Day, no one is allowed inside the polling place except:

1. Election Officials
2. Voters
3. Persons properly assisting voters
4. The press (with identification and press badges)
5. Poll Watchers properly appointed
6. Others bearing written authorization from the Election Commission

No police or other law enforcement officer may come nearer than ten (10) feet to the entrance to a polling place or enter the polling place except at the request of the Officer of Election or the County Election Commission or to make an arrest or to vote.

NOTES:

POLL WATCHERS
(TCA 2-7-104)

All Appointments Of Poll Watchers Shall Be In Writing And Signed By The Candidate. Poll watchers' names shall be submitted to the County Election Commission no later than twelve o'clock (12:00) noon of the second working day before an election. In addition, each candidate in an election may appoint one (1) or more poll watchers for each polling place; provided, however at any given time, each such candidate shall have not more than one (1) such poll watcher on duty at each polling place.

Upon arrival at the polling place a watcher shall present him/her self to the Officer of Election and sign the POLL WATCHERS REGISTER. Poll watchers may be present during all proceedings at the polling place. No watcher may interfere with any voter in the preparation or casting of such voter's ballot or prevent the election official's performance of their duties. No watcher may observe the giving of assistance in voting to a voter who is entitled to assistance. Watchers shall wear poll watcher badges with their names but no campaign material advocating voting for candidates or positions on questions.

Poll watchers observing the duties of the absentee counting board shall not leave the room, or place of counting, after the actual counting of the ballots has begun. Therefore, any poll watcher appointed to the absentee counting board should come prepared to stay until polls close. No telephone devices are permitted inside the place of counting. If candidates appoint poll watchers, please advise them of their duties and responsibilities. Please advise any poll watchers you appoint that they are at the polling place to observe, not to campaign or visit with the voters.

NOTES:

OFFICER OF ELECTION
(TCA 2-7-101)

The Officer of Election is in charge of and responsible for the conduct of all the elections being held at the polling place where such officer is the Officer of Elections. The officer is subject to the direction of the County Election Commission in the performance of such duties.

1. The Officer of Elections shall:
 - (A) Maintain order at the polling place;
 - (B) Assure that voting machines and voting compartments are arranged in such a way that the secrecy of the ballot is preserved and that no voter, on entering the polling place, comes near the voting machines or ballot boxes before the voter's eligibility to vote has been determined;
 - (C) Keep each voting compartment provided with proper supplies to be used in the voting process;
 - (D) Have persons who are waiting to vote stand in line so that no person who is waiting is standing nearer than ten feet (10') to any voting machine or ballot box;
 - (E) Report the breakdown of any voting machine to the voting machine technician; and
 - (F) Ensure that each election official performs such official's duties.

Any problems arising at the polling place should be reported to the Officer of Elections immediately so the proper action may be taken.

NOTES:

100' FOOT RULE
(TCA 2-7-111)

The Officer of Election will measure off 100' from the entrance to the building in which a polling place is set up and place boundary signs at that distance. Within this boundary and the building in which the polling place is located, the display of campaign posters, signs or other campaign materials, distribution of campaign materials, and solicitation of votes is prohibited. Campaign posters, signs or other campaign literature may not be displayed on or in any building housing a polling place. Please inform campaign workers that on Election Day the Officer of Election at each polling place will periodically check to see that the campaigners are observing the proper boundary.

NOTE

CLOSING THE POLLS

(TCA 2-7-127)

After polls close at 7:00p.m. and the last voter has voted, interested parties are invited to observe election officials tally the results. You may ask for a copy of the results. We ask that anyone present for the closing of the polls not interfere with working poll workers. The poll workers have quite a bit of paper work to complete after the polls have closed.

The Officer of Elections, along with a machine operator will close each machine. Results are electronically compiled in each machine and can be totaled for each precinct and the results announced by the Officer of Elections at the precinct. For security purposes the Officer of Elections will be accompanied back to the Election Office by another poll worker preferably of the opposite political party. Due to the new Provisional Voting law that says all paper and provisional ballots be counted at the Election Commission Office, members of the Rutherford County Election Commission voted unanimously to establish this procedure for all future elections in Rutherford County. As a result, the unofficial totals for all elections will be announced at the Election Commission office at 1 Public Square South in Murfreesboro. The Rutherford County Election Commission is required to certify the election no earlier than the first Monday or later than the second Monday following the Election.

As soon as possible after the closing of the polls on election day, precinct totals will be announced at the precinct, if called for, but results from paper ballots, provisional ballots, if possible, early voting and precinct results will be totaled and announced at the Election Commission Office as soon as possible election night.

NOTES:

ELECTION NIGHT PROCEDURE

Election night is a hectic time for election personnel at the Election Commission Office. We welcome your presence in the lobby of the Election Commission Office. We will have a monitor in the lobby that will automatically update the results. We will also distribute copies of the results from time to time. Please refrain from coming into the office itself unless absolutely necessary.

We cannot allow anyone to use our telephones as we must keep the lines open for calls from the polls and later to call in results to the State. You may bring your own phone if desired.

The absentee totals and results from the early voting machines will not be tallied until after the polls have closed. Election night returns will be unofficial. Members of the Election Commission will certify results.

We will distribute copies of the final uncertified results to those of you who stay with us to the end on election night.

NOTE:

The Provisional Ballot in Tennessee

As a direct result of the new Help America Vote Act, passed by Congress in 2002, eligible persons can now vote provisionally, if otherwise qualified.

A provisional voter is one who is not listed on our signature list, but claims to have registered in his or her precinct of residence. The person may claim to have registered at a National Voter Registration Act (NVRA) agency office, i.e. (Health department, Dept of Human Services, Mental Health and Retardation, Veterans Affairs Departments, Military, Safety (Driver License). A list of those individuals will be furnished to the election commission generally no later than twenty days before the election. If the claimant's name is not on these lists, further clarification must be made with the Coordinator of Elections.

The provisional voter may vote at the county election commission office or at a satellite location, and must vote the ballot for the precinct in which the voter lives. On election day, the provisional voter must vote in the polling place that serves his or her residential precinct and must vote the ballot for the precinct in which the voter lives.

If a person claims to have registered to vote prior to the thirty-(30) day voter registration deadline, but is not found on the computer signature list of registered voters, the person must complete a voter registration application.

To complete the voter registration form, the voter must present verification of the residential address under which the voter desires to vote. Examples follows:

- Tennessee Driver License
- Residential lease agreement
- Utility bill
- Mortgage statement
- Income tax return
- Credit card bill
- Bank Statement
- Preprinted check or bank deposit slip
- Vehicle registration

After voter completes and signs the voter registration form, the applicant then completes application for ballot.

Upon completion of the ballot application, the applicant is issued a provisional ballot and provisional envelope. The provisional ballot envelope which is a different color than absentee ballot envelopes, must have an affidavit containing a place for the voter's name, social security number, date of birth, signature and other identifying information deemed necessary by the coordinator of elections. Voter then votes the provisional ballot in the same manner as any other voter voting a paper ballot.

After voting the provisional ballot in secrecy, voter shall present the folded ballot to the judge assigned to receive and deposit provisional ballots. Judge compares provisional ballot number on the stub with provisional ballot number on the voter's ballot application.

If numbers match, judge shall tear off and destroy the provisional ballot stub and deposit in the provisional ballot envelope. The judge shall make sure the voter has completed and signed the provisional ballot envelope and then deposits provisional ballot in the provisional ballot box.

After the closing of the polls, the locked provisional ballot box is transported to the election commission by election officials of different parties for counting by a provisional counting board.

Determining which provisional ballots may be counted

Provisional ballots may be counted if:

1. Person registered to vote or attempted to register to vote in a timely manner;
2. Person cast ballot in the precinct of residence; and
3. Person has not already voted.

Provisional ballots may not be counted if

1. Person registered in the wrong precinct where the ballot was cast
2. Person is not eligible to vote in Tennessee
3. Person has already voted in the election.

Counting the provisional ballot

1. Once the Provisional counting board determines that the provisional ballot must be counted, the board shall remove the provisional ballot affidavit from the provisional ballot envelope. After detaching the affidavit, the sealed envelope shall be placed with all other provisional ballots determined to be countable..

Rejecting a provisional ballot

- 1 If the provisional ballot counting board determines that a provisional ballot should not be counted, then the provisional ballot envelope shall remain intact and unopened.
- 2 The provisional ballot affidavit shall not be removed.
- 3 The word "Rejected" and the reason for the rejection shall be marked across the face of the provisional ballot affidavit.
- 4 At least two members of the provisional counting board shall sign the sealed unopened provisional ballot affidavit.
- 5 The rejected provisional ballot shall be placed in the container of rejected provisional ballots. A list of all rejected ballots shall be made whereby the Administrator of Elections shall mail notices of the rejection to the voter.

Page 3

Time Frame to count provisional ballots.

- 1 The provisional counting board has forty-eight (48) hours from the close of polls to complete the counting of the provisional ballots.
- 2 An extension of no longer than the second (2nd) Monday after the election may be obtained by the provisional counting board from the coordinator of elections.
- 3 All possible attempts will be made to count provisional ballots after polls close on election night by the provisional counting board. However, circumstances beyond our control may prevent the counting board from counting all provisional ballots on election night.
- 4 Election results are **unofficial** until the Election Commission certifies the election.

As of September 11, 2003

NOTES:

New Law effecting the counting of Write-in Candidates

NOTICE: NEW LAW- TCA Section 2-8-113, July 1, 2003: Any person seeking a party nomination and/or is trying to be elected in the general election by write-in ballots must complete a notice requesting such person's ballots be counted no later than twenty (20) days before the primary or twenty (20) days before the general election. **Such person shall only have write in ballots counted if such notice was completed and timely filed at the Rutherford County Election Commission office.** Such notices may be completed by the write-in candidate at the Rutherford County Election Commission Office located at 1 Public Square South, Murfreesboro, Tennessee.

This law will apply to all municipal elections as well.

As of January 1, 2004

RUTHERFORD COUNTY ELECTION COMMISSION

05/16/2005

PRECINCTS

Page 1

PRECINCT	NAME	VOTING LOCATION
11	LAVERGNE CITY HALL	5093 MURFREESBORO RD LAV
12	ROY WALDRON SCH	125 FLOYD MAYFIELD DR LAV
21	LASCASSAS SCH	6300 LASCASSAS PK LASC
22	WALTER HILL SCH	6309 LEBANON PK MURF
23	MILTON FIRE HALL	1131 LASCASSAS PK., MILTON
31	LEANNA COMM CTR	4303 SULPHUR SPRINGS RD, MURF
32	NISSAN ACTIVITY CT	SAM G GRIFFIN RD
33	WILSON ELE SCH	1545 CUTOFF RD, MURFREESBORO
34	FLORENCE BAP CHUR	4528 FLORENCE RD, MURF
41	ADVENT LUTH CHURCH	2505 MANCHESTER PK, MURF
42	BUD'S TIRE	3600 WOODBURY PK MBORO
43	KITTRELL SCH IV	7801 WOODBURY PK, READYVILLE
44	OAKLAND SCH	865 PATRIOT DR MBORO
51	LAVERGNE CIVIC AUD	284 OLD NASH HWY, LAVERGNE
61	BUCHANAN SCH	6050 MANCHESTER PK, MBORO
62	CHRISTIANA ELE SCH	4701 SHELBYVILLE PK CHRISTIN
63	KITTRELL SCH VI	7801 WOODBURY PK, READYVILLE
71	BLACKMAN ELE SCH	586 FORTRESS BLVD, MURF
72	RIVERDALE SCH	802 WARRIOR DR, MURFREESBORO
73	MIDDLE TENN ELEC	326 ST ANDREWS DR, MURF
81	ALMAVILLE COM CTR	7691 ALMAVILLE RD, ARRINGTON
82	EAGLEVILLE COM CTR	317 HWY 99 E, EAGLEVILLE
83	LEBANON CAMP CHUR	2419 MIDLAND FOSTERVILLE RD
84	ROCKVALE COM CTR	9972 ROCKVALE RD, ROCKVALE
91	ALMAVILLE FIRE HAL	911 ONE MILE LANE, SMYRNA
92	ROCK SPR ELE II	1000 WALDRON RD, LAVERGNE
101	LAVERGNE HIGH SCH	250 WOLVERINE TRL, LAVERGNE
102	STEWARTSBORO SCH	10479 OLD NASHVILLE HWY SMYR
103	ROCK SPR ELE III	1000 WALDRON RD, LAVERGNE
111	SMYRNA FIRE HALL	400 ENON SPRINGS RD W, SMY
121	NISSAN FIRE HALL	630 ENON SPRINGS RD E, SMY
131	BELLWOOD SCH	435 SANBYRN DR, MURFREESBORO
132	CASON LANE ACAD	1330 CASON LANE, MURF
141	NORTHFIELD SCH	550 W NORTHFIELD BLVD, MURF
142	SIEGEL ELE SCH	135 W THOMPSON LN, MURF
151	MBORO SPORTSCOM	2310 MEMORIAL BLVD, MURF
161	CENTRAL MIDDLE SCH	701 E MAIN ST, MURF
162	MIT NEILSON ELEM	711 W CLARK BLVD, MURF
171	REEVES ROGERS SCH	1807 GREENLAND DR, MURF
181	PATTERSON PARK CTR	521 MERCURY BLVD
182	WILDERNESS STA II	301 VOLUNTEER RD-BARFIELD PK
183	WILDERNESS STA III	301 VOLUNTEER RD-BARFIELD PK
191	MIT NEILSON PRIM	1303 JONES BLVD, MURF
192	SIEGEL MIDDLE SCH	355 W THOMPSON LN, MURF
193	LANE AGRI-PARK	315 JOHN R RICE BLVD
201	JOYWOOD C P CHURCH	7120 OLD NASHVILLE HWY SMY
202	FLORENCE RD FIRE H	3006 FLORENCE RD, MURF
211	HOBGOOD SCH	307 S BAIRD LN, MURF

