

Public Ch. 38
HOUSE BILL NO. 670

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AN ACT TO PROVIDE FOR A CONVENTION TO PASS ON
AN AMENDMENT TO THE CONSTITUTION OF THE UNITED
STATES, RELATING TO THE REPEAL OF THE EIGHTEENTH
ARTICLE OF AMENDMENT TO SAID CONSTITUTION, WHICH
HAS HERETOFORE BEEN PROPOSED BY THE CONGRESS
FOR RATIFICATION BY CONVENTIONS IN THE SEVERAL STATES.

SECTION 1: BE IT ENACTED BY THE GENERAL
ASSEMBLY OF THE STATE OF TENNESSEE, That an election for
the purpose of electing Delegates to a Convention in this
State to pass on an amendment to the Constitution of the
United States, relating to the repeal of the Eighteenth
Article of Amendment to said Constitution, shall be held
on the third Thursday in July, 1933.

SECTION 2: BE IT FURTHER ENACTED, That, for purposes of convenience, the last preceding election of presidential electors, to-wit, the one held on the eighth day of November, 1932, is hereinafter referred to as "the 1932 presidential election" and wherever such phrase appears in this Act it shall mean and be construed to mean "the last preceding election of presidential electors in this State, to-wit, the one held on the eighth day of November, 1932".

That at such election, any citizen of Tennessee, who was qualified to vote at the 1932 Presidential Election, shall be entitled to vote in the precinct or Civil District in which he or she was then entitled to vote. In addition thereto, any citizen of Tennessee becoming twenty-one years of age after the 1932 presidential election shall be entitled to vote at such election of delegates, in the precinct or civil district in which he or she resided at the time of the 1932 presidential election; provided, any such citizen, prior to voting, shall make and file with the judges of election in his or her particular precinct or civil district an affidavit to the effect that he or she has become twenty-one years of age since the 1932 presidential election, such affidavit to be in such form as the State Board of Elections shall prescribe and have furnished. Also, in addition thereto, any citizen of Tennessee, who would have been entitled to vote in the 1932 presidential election but for the fact he or she had

not theretofore paid the required poll tax, shall be entitled to vote at such election for delegates in the precinct or civil district in which he or she resided at the time of the 1932 presidential election; provided, any such citizen, at least sixty days prior to the date of the election of delegates, shall have paid his or her 1931 poll tax and, at such election, shall furnish evidence of payment thereof in the same manner required by law of voters in general elections.

Anything in this Section of this Act to the contrary notwithstanding, the law relating to absentee voting in elections in this State, to-wit, Chapter 8 of the Acts of the General Assembly of the State of Tennessee for the year 1917, as codified and re-enacted in Sections 2228-2250, inclusive, of the Code of 1932, and/or as same may be amended or changed at any time prior to such election of delegates, shall be applicable to the election of delegates, except that written notice or application of any such absentee voter to vote shall be given not less than five days nor more than fifteen days prior to the date of the election of delegates and the ballot of such absentee voter shall be cast and counted in the precinct or civil district in which he or she resided at the time of the 1932 presidential election and the election official or officials of such precinct or civil district, or those having jurisdiction over the question of absentee voting in such precinct or civil district, shall perform the same duties under the aforesaid

absentee voting law as if, at the time of such election of delegates, such absentee voter resided in the same civil district or precinct as he or she did at the time of the 1932 presidential election. There shall be held a supplemental registration as required by law for all regular elections held for other purposes.

SECTION 3: BE IT FURTHER ENACTED, That except as in this Act otherwise provided, such election shall be conducted and the results thereof ascertained and certified in the same manner as in case of the 1932 presidential election and all provisions of the laws of this State, relative to elections for presidential electors, in force at the time of the election of delegates except in so far as same are inconsistent with this Act, are hereby made applicable to such election. That all laws, penalties, rules and regulations applicable to general elections, as well as the rules of contest, shall apply, and the respective sets of nominees for delegates to said convention nominated in each congressional district shall have the right to suggest, and the County Boards of Election Commissioners in each congressional district, upon the written request of each set of nominees, shall give each of said respective sets of nominees at least one judge in each voting precinct or district on the day of election. Provided, however, any voter may pay his or her poll tax for the year 1931, up to within ten days of said election.

SECTION 4: BE IT FURTHER ENACTED, That the number of delegates shall be sixty-three; candidates for the offices of delegates shall be nominated as hereinafter provided, but they shall be elected from the State at large

and any citizen of the State, entitled to vote in the election of delegates, may vote for the said sixty-three, or whole number of, delegates to be elected.

SECTION 5: BE IT FURTHER ENACTED, That candidates for the office of delegate to the convention shall be citizens and residents of this State, entitled to vote at the election of delegates and who shall be of an age not less than twenty-one years. Nomination shall be by petition or petitions, signed by residents, entitled to vote in the election, of the particular congressional district in which the delegates to be elected must reside. A single petition, which may be in one or more counterparts, substantially identical in form except as to verifications of the parties circulating the counterparts and signatures, may nominate any number of candidates not exceeding seven, and shall be signed by not less than fifteen persons, residing in the same congressional district in which said candidates reside, who, under the provisions of Section 2 hereof, would be entitled to vote in the election of delegates. Said nominating petitions shall be substantially in such form as the State Board of Elections, or a majority of said Board, shall prescribe and the said State Board of Elections, or a majority thereof, shall, within ten days after the passage of this Act, prescribe such form. Nomination shall be without party or political designation, but each nominating petition shall contain a statement, signed by each nominee named therein, to the effect that he or she favors ratification of the proposed amendment, or that he or she opposes ratification of the proposed amendment, or that he or she ex-

presses no opinion, and no nominating petition shall contain the name of any nominee whose position, as stated therein, is inconsistent with that of any other nominee in the same petition; and each such petition or counterpart thereof shall contain a written signed statement of the party circulating said petition, verified by him or her before a notary public, that each person whose name appears as a signer of said petition or counterpart signed same in his or her presence. Each such petition shall recite in substance, in the forepart thereof, that each party signing same, by the act of such signing, represents and certifies that he or she is a citizen and resident of the particular congressional district entitled to vote in said election of delegates. Each person signing any such petition or counterpart thereof shall place opposite his or her name the date on which he or she signs such petition or counterpart; and if any such person so signing any such petition or counterpart thereof later signs the petition of any other nominee or nominees whose position is inconsistent with that of the nominee or nominees named in the petition or counterpart theretofore signed by such person, the name of any such person so signing shall be stricken by the State Board of Elections from any such petition or counterpart thereof that is later signed by any such person. No nomination shall be effective except those of not exceeding seven nominees, resident in each congressional district, in favor of ratification, and not exceeding seven nominees, resident in each congressional district, against ratification, and not exceeding seven nominees, if any there be, resident in each congressional district and expressing no opinion, whose nominating petitions have been respectively signed by the largest number of voters

in each congressional district, ties to be decided by lot promptly drawn by the President of the State Board of Elections. Said nominating petitions shall be filed with the Secretary of the State Board of Elections not later than thirty days prior to the election of delegates and the State Board of Elections shall immediately convene and canvass the nominating petitions so filed and, not later than twenty days before the date of election, shall certify the names of the candidates or nominees to the Secretary of State; provided, that in such canvassing and certification, the State Board of Elections, or a majority thereof, shall only consider petitions signed and filed in conformity with this Act. Such canvassing and certification by the State Board of Elections, or a majority thereof, shall be final and conclusive as to the candidates entitled to be voted for at the election of delegates.

SECTION 6: BE IT FURTHER ENACTED, That prior to the date of election, the said State Board of Elections shall have prepared poll books, tally sheets, ballots, blank affidavits for young voters to execute as provided in Section 2 hereof, etc., and furnish same to the respective County Boards of Commissioners of Elections and the number of ballots printed for use in such election and distributed to the several County Boards of Commissioners of Elections shall be twice or double the number of ballots cast in the respective counties at the 1932 presidential election. The number of poll books, tally sheets, blank affidavits, etc., furnished to the several County Boards of Commissioners of Elections shall be in such number as shall be sufficient to meet the needs of the respective

counties. Such ballots, so furnished to the several County Boards of Commissioners of Elections, shall be identified on the back thereof by having the name of the county in which they are to be used printed thereon and they shall also have on said back the fac-simile signatures of the members of the State Board of Elections. All such ballots, poll books, tally sheets, blank affidavits, etc., shall be furnished to the respective County Boards of Commissioners of Elections not less than ten days prior to the date of such election and shall be promptly distributed by them among the several voting precincts or districts of each county, as provided by law in case of an election for presidential electors.

SECTION 7: BE IT FURTHER ENACTED, That said ballot shall be prepared as follows: It shall first state the substance of the proposed amendment. This shall be followed by appropriate instructions to the voter. It shall then contain perpendicular columns of equal width, headed respectively in plain type, "For Ratification," "Against Ratification", and "No Opinion Expressed." In the column headed "For Ratification", shall be placed the names of the nominees nominated as in favor of ratification. In the column headed "Against Ratification" shall be placed the names of the nominees nominated as against ratification. In the column headed "No Opinion Expressed" shall be placed the names of the nominees nominated as expressing no opinion. In each column, the names of the candidates shall be arranged alphabetically according to the initials of their surnames. The voter shall indicate his choice by making one

or more cross-marks in the appropriate spaces provided on the ballot. No ballot shall be held void because any such cross-mark is irregular in character. The ballot shall be so arranged that the voter may, by making a single cross-mark, vote for the entire group of nominees whose names are comprised in any column. The ballot shall be in substantially the following form:

PROPOSED AMENDMENT TO THE CONSTITUTION OF
THE UNITED STATES

Delegates to the Convention to Ratify the Proposed Amendment

The Congress has proposed an amendment to the Constitution of the United States which provides, in substance, that the Eighteenth Article of Amendment to the Constitution of the United States is hereby repealed and the transportation or importation into any State, territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited; and this Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, within seven years from the date of the submission thereof to the States by The Congress.

The Congress has also proposed that the said amendment shall be ratified by Conventions in the States.




INSTRUCTIONS TO VOTERS

Do not vote for more than sixty-three candidates.

It is recommended by the so-called wets or those who favor the repeal of the Eighteenth Amendment, that all voters favoring the repeal of the Eighteenth Amendment, should vote for the sixty-three candidates whose names appear under the heading "For Ratification". It is recommended by the so-called drys or those who do not favor the repeal of the Eighteenth Amendment that all voters who do not favor the repeal of the Eighteenth Amendment should vote for the sixty-three candidates whose names appear under the heading "Against Ratification".

To vote for all candidates in favor of Ratification, or for all candidates against Ratification, or for all candidates who express no opinion, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate make a cross-mark in the SQUARE at the right of the name.

For Ratification	Against Ratification	No Opinion Expressed
		
John Coe <input type="checkbox"/>	Charles Coe <input type="checkbox"/>	Daniel Foe <input type="checkbox"/>
Richard Doe <input type="checkbox"/>	Michael Moe <input type="checkbox"/>	Louis Lee <input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 8: BE IT FURTHER ENACTED, That the Governor and Secretary of State shall furnish to the sixty-three nominees, receiving the highest number of votes, certificates of their election as is provided by law in case of presidential electors. The said sixty-three nominees, so furnished the said certificates of election, shall be the delegates to, and shall constitute, the convention, which convention, as thus constituted, shall be the sole judge of the election and qualification of its members and, in case of any contest, shall be the sole, exclusive and final judge and trier thereof. However, if there shall be a vacancy in the convention caused by a tie or by the death or disability or unseating of any delegate, the same shall be filled by a majority vote of the remaining delegates, as and when the convention convenes, which remaining delegates shall then constitute the convention until any such vacancy is filled, and same shall be filled by the selection of a person qualified to vote in the election of the delegates and who shall reside in the same congressional district where the delegate resides, whose office is or becomes vacant.

SECTION 9: BE IT FURTHER ENACTED, That the delegates to the convention shall meet in the Chamber of the House of Representatives at the Capitol at Nashville, Tennessee, at ten o'clock A. M., on the eleventh day of August, 1933, and shall thereupon constitute a convention to pass upon the question of whether or not the proposed Amendment shall be ratified. If no quorum be present at such time, a majority of the delegates then present may adjourn the convention from day to day until a majority of the delegates are present.

SECTION 10: BE IT FURTHER ENACTED, That the convention shall have the power to elect its president, secretary and other officers, and to adopt its own rules.

SECTION 11: BE IT FURTHER ENACTED, That the convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed Amendment. Upon final adjournment, the Journal shall be filed with the Secretary of State of Tennessee.

SECTION 12: BE IT FURTHER ENACTED, That if the convention shall agree, by vote of a majority of the total number of delegates, to the ratification of the proposed Amendment, a certificate to that effect shall be executed forthwith by the President and Secretary of the convention and transmitted to the Secretary of State of this State, who shall promptly transmit the certificate under the Great Seal of the State to the Secretary of State of the United States.

SECTION 13: BE IT FURTHER ENACTED, That no delegate nor employee of said convention shall receive any compensation for his attendance upon, service to, or travelling to or from the said convention or for any other expense in connection therewith.

SECTION 14: BE IT FURTHER ENACTED, That there is hereby appropriated from the General Fund of the State a sufficient amount for the payment of the expenses of preparing for and holding said election, payable out of moneys in said fund not otherwise appropriated. Warrants therefor shall be issued by the Comptroller and same shall be honored and paid by the Treasurer. Warrants for the

expenses incurred by the State Board of Elections for the printing of poll books, tally sheets, ballots, blank affidavits for young voters to execute as provided in Section 2 hereof, etc., shall be issued and paid to the parties shown by the certificate of the State Board of Elections to be entitled thereto, such certificate to be promptly filed with the Comptroller by said Board. The respective County Boards of Commissioners of Elections shall promptly, after said election is held, certify to the Comptroller the expenses of holding the election in their respective counties, which certificate shall show the names of the parties entitled to payment and the respective amounts for which they are entitled to receive payment and the character of service rendered. Each said certificate shall be filed with the Comptroller and a duplicate thereof shall be filed with the County Judge or Chairman of the County Court of each County. The Comptroller shall thereupon issue his warrants to the Trustees of the several counties of the State, the County Judge or Chairman of the County Court of each county shall thereupon issue county warrants to the parties entitled to receive payment in the several counties, which warrants shall be honored by the respective County Trustees from the funds realized upon the warrants of the Comptroller issued to said Trustees, and said warrants so issued by the Comptroller to said Trustee shall be promptly paid by the Treasurer. No County Trustee shall receive any compensation for moneys so received or disbursed.

SECTION 15: BE IT FURTHER ENACTED, That if after the passage of this Act and before the holding

of any such election, The Congress shall by statute prescribe the manner in which the State Conventions to pass on the aforesaid amendment shall be constituted, and shall not except from the provisions of such statute or resolution such States as may therefore have provided for constituting such conventions, the preceding provisions of this Act shall be inoperative, the convention shall be constituted and shall operate as the said resolution or Act of Congress shall direct, and all officers of the State who may by the said resolution or statute be authorized or directed to take any action to constitute such a convention for this State are hereby authorized and directed to act thereunder and in obedience thereto with the same force and effect as if acting under a Statute of this State.

SECTION 16: BE IT FURTHER ENACTED, That this Act shall take effect from and after its

passage, the public welfare requiring it.

Passed March 29th, 1933.

Frank W. Moore
SPEAKER OF THE HOUSE OF REPRESENTATIVES

A. H. Officer
SPEAKER OF THE SENATE

APPROVED:

March - 31, 1933

Lincoln M. ...
GOVERNOR