



County Technical Assistance Service

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Referenda

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county 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 county 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 e-Li material.

Sincerely,

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Referenda

Reference Number: CTAS-871

For a referendum to be held, it must be authorized or mandated by statute. The county legislative body does not have a general power to submit questions; the body has power only to submit questions to the voters that have been granted by general law or private act. Certain questions are required by law to be submitted to the people in referendum for their approval or disapproval. In a referendum election held by a local government, any question submitted to a vote of the people shall be printed on the ballot followed by the words "yes" and "no." The law requires that the language of the question must be worded on the ballot so that a "yes" vote indicates support for the measure and a "no" indicates opposition to the measure. T.C.A. § 2-5-208.

Generally, if the law does not provide otherwise, referendum elections submitted to the people are to be held on dates set by the county election commission but not less than 75 days or more than 90 days after the county election commission is directed to hold the election. However, resolutions, ordinances or petitions requiring the holding of elections on questions submitted to the people that are to be held with the regular August election, the regular November election or the presidential preference primary shall be filed with the county election commission not less than 75 days prior to that election. T.C.A. § 2-3-204. If the date set for a referendum falls within 90 days of an upcoming regular election or primary, the election commissions of the counties involved may reset the date of the referendum to coincide with the regular general or primary election. All other dates dependent on the election date will be adjusted accordingly. If the referendum is to be held in more than one county, the election commissions for both counties must meet and set a date jointly. T.C.A. § 2-3-204. Uniform procedures for the filing and acceptance of petitions in governmental entities that allow for recall, referendum, or initiative elections pursuant to terms of the charter of that government can be found in T.C.A. § 2-5-151.

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