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**NASHVILLE BAR  
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## FOR IMMEDIATE RELEASE

### **NBA Official Position on Non-Partisan Judicial Election Bill before the Legislature**

**Nashville, TN** - The Nashville Bar Association opposes adoption of legislation (HB 98 / SB 135) directed at changing the method of electing judges and court clerks in Davidson County alone.

House Bill 98, sponsored by Representative William Lamberth of Cottontown, and its companion Senate Bill 135, sponsored by Senator Steve Dickerson of Nashville, would require that Nashville do away with party primary elections for judges and clerks and elect them in non-partisan elections. The legislation would also require that the incumbent be listed first on the ballot.

The NBA believes the concept of electing judges on non-partisan ballots has merit, but if adopted, it should be only on a statewide basis, or as an option of local legislative bodies, as is presently the case in Shelby County. Likewise, the legislature when considering the adoption of non-partisan judicial elections should give careful consideration to election by majority vote, rather than by plurality, as Nashville currently does with its mayoral and council elections.

Whatever the merit may be of non-partisan elections, the NBA is concerned that selective rule changes for election of judges raises state and Federal constitutional questions. The provision giving special advantage to incumbents would appear to invite challenges on the grounds of equal protection and the equivalent state constitutional provision prohibiting legislation that prohibits the suspension of the general law without a rational basis.

We urge the withdrawal of the legislation and encourage a future, careful consideration of the concept of non-partisan judicial elections on a statewide basis.

#### **About the Nashville Bar Association**

The Nashville Bar Association, established in 1831, is a professional organization serving the legal community of Nashville, Tennessee. The NBA—with almost 3,000 members—is the largest metropolitan bar association in Tennessee.

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