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ORDINANCE

ORDINANCE NO: 0-107-07

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AN ORDINANCE OF THE COUNCIL OF THE CITY OF KNOXVILLE TO AMEND THE CHARTER OF THE CITY OF KNOXVILLE, SPECIFICALLY CHAPTER 412 OF THE PRIVATE ACTS OF 1923 OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF KNOXVILLE AND KNOX COUNTY, TENNESSEE, AND TO DEFINE THE RIGHTS, POWERS, AND LIABILITIES OF THE SAME; TO FIX THE BOUNDARIES OF SAID MUNICIPALITY, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT," AND ALL ACTS AMENDATORY THERETO, BY AMENDING SECTION 703 OF SAID CHARTER IN ORDER TO PROVIDE THAT NONRESIDENT PROPERTY OWNERS SHALL CAST BALLOTS IN ANY CITY ELECTION ONLY BY MAIL IN A MANNER TO BE PRESCRIBED BY THE STATE COORDINATOR OF ELECTIONS; AND FURTHER PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF KNOXVILLE FOR APPROVAL AS PROVIDED IN ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE.

ORDINANCE NO: 0-107-07

REQUESTED BY: Vice-Mayor Brown
PREPARED BY: Council

APPROVED AS TO FORM AND CORRECTNESS: _____

Director of Law
FINANCIAL IMPACT STATEMENT: _____

Director of Finance

APPROVED ON 1ST READING: 5-8-2007

APPROVED ON 2ND READING: 5-22-2007

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK 71 PAGE _____

WHEREAS, Section 703 of the Charter of the City of Knoxville currently provides that nonresidents of the City who have owned a fee interest in a parcel of real property located within the City of at least 4000 square feet in size for at least six (6) months prior to the date of election and are otherwise qualified shall be eligible for vote in municipal elections; and,

KNOX COUNTY ELECTION COMM

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1 WHEREAS, the Knox County Election Commission is required to provide specific training
2 on nonresident voting to all election officials and poll workers despite the fact that a relatively small
3 number of nonresident property owners vote in each municipal election; and,

4 WHEREAS, the comprehensive training for all election officials and poll workers would not
5 be required if nonresident property owners were to cast their ballots by mail in a manner to be
6 prescribed by the State Coordinator of Elections; and,

7 WHEREAS, it would be a significant service for many nonresident property owners who do
8 not live within the immediate area to be permitted to vote by mail in municipal elections; and,

9 WHEREAS, voting by mail would be more convenient for potential nonresident qualified
10 voters as well as more efficient and cost-effective for the election process in general.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
12 KNOXVILLE:

13 SECTION 1: Article VII, Section 703 of the City Charter shall be, and hereby is, amended
14 by adding an additional sentence at the end of said section which shall read as follows:

15 "Pursuant to procedures approved by the State Coordinator of
16 Elections, ballots for nonresidents property owners shall be cast by
17 mail only."

18 SECTION 2: If any provision of this Ordinance is held to be invalid, such invalidity shall
19 not affect any other provision or section of this Ordinance.

20 SECTION 3: The proposed amendment to the Charter of the City of Knoxville as set forth
21 in Section 1 above shall be published and submitted to the qualified voters of the City of Knoxville
22 for their approval or disapproval at the general state election to be concluded on August 5, 2008, all
23 as provided in Article XI, Section 9, of the Constitution of the State of Tennessee.
24

SECTION 4: The Commissioners of Election for Knox County, Tennessee, are requested and directed to place on the ballot for the general state election to be concluded on August 5, 2008, for submission to the qualified voters of the City of Knoxville the following question:

CHARTER AMENDMENT SUBMITTED BY THE COUNCIL OF THE CITY OF KNOXVILLE PERTAINING TO PROCEDURES CONCERNING VOTING IN CITY ELECTIONS:

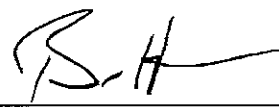
(1) SHALL ARTICLE VII, SECTION 703 OF THE CHARTER OF THE CITY OF KNOXVILLE BE AMENDED SO AS TO PROVIDE THAT BALLOTS FOR NONRESIDENT PROPERTY OWNERS SHALL BE CAST BY MAIL ONLY PURSUANT TO PROCEDURES APPROVED BY THE STATE COORDINATOR OF ELECTIONS?

_____ Yes _____ No

SECTION 5: This amendment to the Charter of the City of Knoxville hereby proposed shall become effective immediately following the next regularly scheduled general state election if approved by a majority of the qualified voters voting thereon in the general state election concluding on August 5, 2008, consistent with the provisions of Article XI, Section 9, of the Constitution of the State of Tennessee.

SECTION 6: This Ordinance shall take from and after its passage, the public welfare requiring it.


Cindy A. Mitchell
City Recorder



Presiding Officer of the Council