

ORDINANCE

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 DEFINE THE RIGHTS, POWERS AND LIABILITIES OF THE SAME; TO FIX THE BOUNDARIES OF SAID MUNICIPALITY, AND REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT," AND ALL ACTS AMENDATORY THERETO, BY AMENDING ARTICLE VII, SECTION 702 SO AS TO CHANGE THE DATE OF CITY PRIMARY ELECTIONS FROM THE LAST TUESDAY IN SEPTEMBER TO THE LAST TUESDAY IN AUGUST, TO BE HELD IN ODD-NUMBERED YEARS, AND FURTHER PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF KNOXVILLE FOR APPROVAL AS PROVIDED IN ARTICLE IV, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE

ORDINANCE NO: O-125-2016REQUESTED BY: Councilman Della VolpePREPARED BY: Law DepartmentAPPROVED ON 1STREADING: 7-19-2016APPROVED ON 2NDREADING: 8-2-2016

APPROVED AS AN EMERGENCY

MEASURE: _____

MINUTE BOOK: 80 PAGE _____

WHEREAS, Section 702(A) of the Charter of the City of Knoxville provides that primary elections for the offices of mayor, municipal judge and members of the council shall be in odd-numbered years on the last Tuesday of September; and

WHEREAS, the Administrator of Elections for Knox County, Tennessee has advised that, under Tennessee law, the current primary election schedule requires the use of labor at overtime rates, at the City of Knoxville's expense, to prepare and mail military and overseas ballots for the November regular election based on certified primary election results; and

WHEREAS, the Administrator of Elections has further advised that the current primary election schedule does not allow sufficient time for counting of any provisional ballots in, and certification of, the primary election before said mailing deadline for military and overseas voters for the November regular election, thus potentially necessitating the preparation and mailing of an amended ballot, at City expense; and

WHEREAS, the Administrator of Elections has further advised that the current primary election schedule creates operational difficulties because of required public voting machine tests which must occur following certification of the primary election and before the early voting period for the regular election begins; and

WHEREAS, the Council of the City of Knoxville finds that changing the date of the primary election for elections for the offices of mayor, municipal judge and members of the council from the last Tuesday of September in odd numbered years to the last Tuesday of August in odd numbered years will not present a hardship to the public or candidates for said offices, and will alleviate a substantial hardship on election officials and, at the same time, save taxpayer money; and

WHEREAS, Section 702(A) of the Charter of the City of Knoxville also includes language referencing elections for members of the City board of education, which no longer exists; and

WHEREAS, the Council of the City of Knoxville finds that this obsolete reference is potentially confusing and should be removed from the Charter of the City of Knoxville.

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

SECTION 1: Pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (the City of Knoxville being a home rule municipality within the provisions thereof), the amendment set forth in the Section below is hereby proposed to the Charter of the City of Knoxville, specifically Chapter 412 of the Private Acts of 1923 as amended, of the General Assembly of the State of Tennessee, the caption of which is quoted in the caption hereof, and shall be submitted to the qualified voters of the City of Knoxville for their approval or disapproval in the general state election to be concluded on November 8, 2016, and, if approved by a majority of those voting on the question posed in Section 5 below, shall be effective as hereinafter provided.

SECTION 2: Article VII, Section 702 of the Charter of the City of Knoxville, entitled "Time and place of elections", shall be amended by deleting the existing subsection (A) and substituting in its place the following language:

Primary elections. The primary elections for the offices of mayor, municipal judge and members of the council shall be held in odd-numbered years on the last Tuesday in August preceding the expiration of their terms. Said primaries shall be held at the regular voting places in each ward or precinct.

SECTION 3: If any provision of this Ordinance is held to be invalid, such invalidity shall not affect any other provision or section of this Ordinance.

SECTION 4: The proposed amendment to the Charter of the City of Knoxville as set forth in Section 2 above shall be published and submitted to the qualified voters of the City of Knoxville for their approval or disapproval in the general state election to be concluded on November 8, 2016, all as provided in Article IV, Section 9 of the Constitution of the State of Tennessee.

SECTION 5: 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 November 8, 2016 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 THE DATE FOR THE PRIMARY ELECTION FOR THE OFFICES OF MAYOR, MUNICIPAL JUDGE AND MEMBERS OF THE CITY COUNCIL:

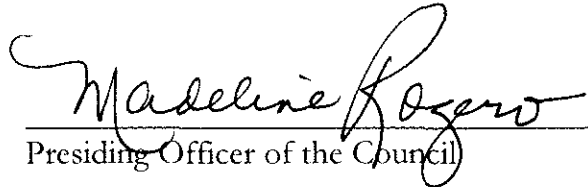
SHALL ARTICLE VII, SECTION 702(A) OF THE CHARTER OF THE CITY OF KNOXVILLE, ENTITLED, "TIME AND PLACE OF ELECTIONS" BE AMENDED SO AS TO CHANGE THE DATE OF THE PRIMARY ELECTION FOR THE OFFICES OF MAYOR, MUNICIPAL JUDGE AND MEMBERS OF THE CITY COUNCIL FROM THE LAST TUESDAY IN SEPTEMBER IN ODD NUMBERED YEARS TO THE LAST TUESDAY IN AUGUST IN ODD NUMBERED YEARS, ALL AS MORE FULLY SET FORTH IN ORDINANCE No. _____ OF THE CITY OF KNOXVILLE AS DULY PUBLISHED?

_____ YES

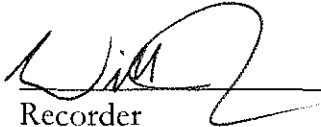
_____ NO

SECTION 6: This amendment to the Charter of the City of Knoxville hereby proposed shall become effective sixty (60) days after November 8, 2016, if approved by a majority of the qualified voters voting thereon in the general state election concluding on said date, as provided in Article IV, Section 9, of the Constitution of the State of Tennessee.

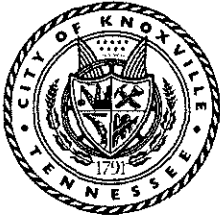
SECTION 7: This Ordinance shall take effect seventeen (17) days from and after its passage, the public welfare requiring it.



Presiding Officer of the Council



Recorder



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

AGENDA DATE: August 2, 2016

DEPARTMENT: Legislative

DIRECTOR: City Council

AGENDA SUMMARY An Ordinance to amend the Charter of the City of Knoxville by amending Article VII, Section 702 so as to change the date of City primary elections from the last Tuesday in September to the last Tuesday in August, to be held in odd-numbered years.

COUNCIL DISTRICT(S) AFFECTED

All

BACKGROUND

Under Section 702(A) of the Charter, primary elections for City offices are held in odd-numbered years on the last Tuesday of September. The Administrator of Elections for Knox County has advised that, under Tennessee law, the current primary election schedule requires the use of labor at overtime rates, at the City's expense, to prepare and mail military and overseas ballots for the November regular election based on certified primary election results, and that the current primary election schedule does not allow sufficient time for counting of any provisional ballots in, and certification of, the primary election before the mailing deadline for military and overseas voters for the November regular election, thus potentially requiring the preparation and mailing of an amended ballot, at City expense. The current primary election schedule also creates operational difficulties for the Election Commission because of required public voting machine tests which must occur following certification of the primary election and before the early voting period for the regular election begins.

OPTIONS

Approve the ordinance, authorizing a vote of the citizens on the issue -or- take no action.

RECOMMENDATION

Approve the ordinance.

ESTIMATED PROJECT SCHEDULE

If approved, the issue will be placed on the November ballot.

PRIOR ACTION/REVIEW

None.

FISCAL INFORMATION

Moving the City primary election to the last Tuesday in August will result in savings to the City by reducing overtime expenses of the Election Commission. Expenses for placing the issue on the November ballot are expected to be minimal.

ATTACHMENTS:

- August Primary Ordinance (DOCX)

RESULT:	APPROVED ON FIRST READING [UNANIMOUS]	Next: 8/2/2016
	6:00 PM	
MOVER:	Nick Della Volpe, Nick Pavlis	
SECONDER:	Duane Grieve, Vice Mayor, Second District	
AYES:	Campen, Della Volpe, Grieve, Palmer, Pavlis, Saunders, Stair, Wallace	
ABSENT:	Daniel Brown	