

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

CORLISS COOPER and ROBIN  
SMITH,

Plaintiffs,

v.

HAMILTON COUNTY ELECTION  
COMMISSION,

Defendant.

Case No. 14C793

Div. \_\_\_\_\_

FILED IN OFFICE  
2014 JUL -2 PM 2:14  
KIMLA T. HICKS-SGRIFFIN, CLERK  
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MOTION TO INTERVENE

Citizens for Government Accountability & Transparency ("CGAT") hereby moves this Court, pursuant to Tenn. R. Civ. P. 24, to enter an order granting CGAT permission to intervene in this action. Intervention is necessary and appropriate in order to protect CGAT's interest in obtaining a public vote on the petition question that CGAT previously submitted in accordance with Tenn. Code Ann. § 2-5-151.

Tenn. R. Civ. P. 24.01 states that a party "shall be permitted to intervene in an action . . . when the applicant claims an interest relating to the . . . transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest . . ." Additionally, Tenn. R. Civ. P. 24.02 permits intervention "when an applicant's claim or defense and the main action have a question of law or fact in common." Both of these rules warrant CGAT's intervention in this case.

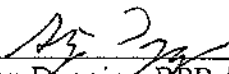
CGAT is an association of citizens who organized the petition drive that resulted in the submission of the petition at issue in this case. By submitting the petition to the election commission, CGAT triggered the process whereby the petition's question was placed on the

presently-approved ballot as further referenced in the complaint. CGAT's effort was undertaken for the specific purpose of having the petition question placed on the ballot and allowing the public to vote on that question. Plaintiffs are now attempting—through this lawsuit—to force removal of the question from the ballot. Thus, CGAT has an interest in the transaction at issue, and its ability to protect that interest would be eliminated if it is not allowed to intervene in this action. Intervention is therefore proper under Tenn. R. Civ. P. 24.01. Additionally, CGAT's defense of the ballot question has questions of fact and law identical to questions of fact and law in the main action. Accordingly, intervention is also proper under Tenn. R. Civ. P. 24.02.

A copy of CGAT's proposed answer is attached in accordance with Tenn. R. Civ. P. 24.03.

This 2nd day of July 2014.

STEPHEN S. DUGGINS

By:   
(Stephen Duggins, BPR #013222)  
7446 Shallowford Rd, Suite 202  
Chattanooga, TN 37421  
423-899-3025 (t)  
423-899-3029 (f)

## CERTIFICATE OF SERVICE

I certify that on this 2nd day of July, 2014 I sent a copy of the foregoing pleading to other counsel or parties by depositing same in the United States Mail with sufficient postage to ensure prompt delivery thereof and addressed to the following:

Stevie Phillips, Esq.  
Davis & Hoss, P.C.  
508 E. 5th Street  
Chattanooga, TN 37403

Rheubin Taylor, Esq.  
204 Courthouse  
625 Georgia Avenue  
Chattanooga, TN 37402

Phil Noblett, Esq.  
City Attorney's Office  
100 E. 11th Street, Ste. 200  
Chattanooga, TN 37402

  
\_\_\_\_\_  
(Stephen Duggins)

IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE

CORLISS COOPER and ROBIN  
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Case No. 14C793

Div. \_\_\_\_\_

**ANSWER OF CITIZENS FOR GOVERNMENT  
ACCOUNTABILITY & TRANSPARENCY**

Citizens for Government Accountability & Transparency ("CGAT") answers the complaint in this cause as follows:

1. The first sentence of Paragraph 1 of the complaint is denied. CGAT is without sufficient information regarding the second sentence of Paragraph 1, and such sentence is also accordingly denied at this time.

2. CGAT is without sufficient information regarding the allegations of Paragraph 2, and such allegations are accordingly denied at this time.

3. The first sentence of Paragraph 3 is denied. CGAT is without sufficient information regarding the allegations of the second sentence of Paragraph 3, and such allegations are accordingly denied at this time.

4. Paragraph 4 of the complaint is admitted.

5. Paragraph 5 of the complaint is admitted.

6. Paragraph 6 of the complaint is admitted.

7. Regarding the allegations of Paragraph 7 of the complaint, it is admitted that the City Council voted in favor of the Ordinance No. 12781, but it is denied that the Ordinance No. 12781 was ever in effect.

8. Regarding the allegations of Paragraph 8 of the complaint, it is admitted that Exhibit A is a copy of Ordinance No. 12781.

9. Paragraph 9 of the complaint is denied.

10. Paragraph 10 of the complaint is denied.

11. Paragraph 11 of the complaint is denied.

12. Regarding the allegations of Paragraph 12 of the complaint, it is admitted that if the Ordinance No. 12781 had become law, its effective date would have coincided with the beginning of the City's 2014 renewal period for the City's employee health insurance program.

13. Regarding the allegations of Paragraph 13, it is admitted that the City Council voted in favor of Ordinance No. 12781 and that a petition was subsequently filed protesting the ordinance and seeking a referendum on its adoption. Any remaining allegations are denied.

14. Paragraph 14 of the complaint is admitted.

15. Paragraph 15 of the complaint is admitted.

16. Paragraph 16 of the complaint is denied.

17. Regarding the allegations of Paragraph 17, it is admitted that the Election Commission certified that the completed petitions for referendum met all applicable requirements to be submitted to a vote of the registered voters.

18. Regarding the allegations of Paragraph 18, it is admitted that the City Attorney submitted the quoted language as part of a proposed ballot question but that additional language—not quoted in Paragraph 18—was also submitted by the City Attorney. The

additional language proposed by the City Attorney erroneously asserted that the proposed ordinance would not have a material impact on the City's finances. The date of the submission is unknown, and any remaining allegations are denied.

19. Regarding the allegations of Paragraph 19, it is admitted that the Election Commission initially prepared sample ballots using the proposed ballot question submitted by the City Attorney.

20. Regarding the allegations of Paragraph 20, it is admitted that Exhibit B is a copy of the sample ballot initially prepared by the Election Commission and including the ballot question submitted by the City Attorney.

21. Regarding the allegations of Paragraph 21, it is admitted that the Election Commission held a meeting on June 27, 2014 to consider the appropriate form of the August 7, 2014 ballot in view of applicable law.

22. Paragraph 22 of the complaint is denied.

23. Paragraph 23 of the complaint is denied.

24. Paragraph 24 of the complaint is admitted.

25. Paragraph 25 of the complaint is admitted.

26. Paragraph 26 of the complaint does not require an answer, but to the extent that an answer might be required, CGAT adopts and incorporates by reference its response to Paragraphs 1 through 25.

27. Paragraph 27 of the complaint is denied.

28. Regarding the allegations of Paragraph 28, it is admitted that the quoted language comes from a portion of Chattanooga City Charter Section 11.25. Any allegation that such language precludes the petition question from being placed on the ballot is denied.

29. Regarding the allegations of Paragraph 29, it is admitted that the quoted language come from a portion of Chattanooga City Charter Section 11.24. Any allegation that such language precludes the petition question from being placed on the ballot is denied.

30. Regarding Paragraph 30 of the complaint, it is admitted that the Election Commission properly relied on Tenn. Code Ann. § 2-5-151 in placing language from the petition on the ballot. Any allegation that such reliance was improper is denied.

31. Paragraph 31 of the complaint is denied.

32. Regarding the allegations of Paragraph 32, it is admitted that Ordinance No. 12781 is more than 300 words in length.

33. Regarding the allegations of Paragraph 33, it is admitted that such paragraph quotes partially quotes Tenn. Code Ann. § 2-5-208(f)(2). Any allegation that such language justifies preparation of a summary in this case is denied.

34. Paragraph 34 of the complaint is denied.

35. Paragraph 35 of the complaint is denied.

36. Paragraph 36 of the complaint is denied.

37. Regarding the allegations of Paragraph 37, it is admitted that the City Attorney's summary of the Ordinance No. 12781 did not exceed 200 words.

38. Paragraph 38 of the complaint is denied.

39. Paragraph 39 of the complaint is denied.

40. Paragraph 40 of the complaint is denied.

41. Paragraph 41 of the complaint does not require an answer, but to the extent that an answer might be required, CGAT adopts and incorporates by reference its response to Paragraphs 1 through 40.

42. Paragraph 42 of the complaint is admitted.

43. Paragraph 43 of the complaint is denied. However, it is admitted that the answers to the ballot question did not consist of the words “Yes” and “No,” but rather consisted of the functional equivalent by using the words “for” and “against.” CGAT admits that the ballot can establish the words “Yes” and “No” as the answer to the petition question.

44. Paragraph 44 of the complaint does not require an answer, but to the extent that an answer might be required, CGAT adopts and incorporates by reference its response to Paragraphs 1 through 43.

45. Paragraph 45 of the complaint is admitted.

46. Paragraph 46 of the complaint is admitted.

47. Paragraph 47 of the complaint is denied.

48. Paragraph 48 of the complaint does not require an answer, but to the extent that an answer might be required, CGAT adopts and incorporates by reference its response to Paragraphs 1 through 46.

49. Regarding the allegations of Paragraph 49, it is denied that Plaintiffs are entitled to the relief requested.

50. Regarding the allegations of the first sentence of Paragraph 50, it is admitted, upon information and belief, that early voting begins on July 18, 2014. The second sentence of Paragraph 50 is denied in that the anticipated ballots are not illegal.

51. Paragraph 51 of the complaint is denied.

52. Paragraph 52 of the complaint is denied.

53. Paragraph 53 of the complaint is denied.

54. Paragraph 54 of the complaint is denied.

55. Regarding the allegations of Paragraph 55, it is denied that Plaintiffs are entitled to the relief requested.

56. It is further denied that Plaintiffs are entitled to the relief requested in the prayer for relief.

57. Any remaining allegations not admitted, denied or otherwise explained above are hereby denied.

58. It is further asserted that the complaint fails to state a claim upon which relief can be granted.

59. It is further asserted that Plaintiffs lack standing.

60. It is further asserted that Plaintiffs' claims are preempted by State law.

61. It is further asserted that Plaintiffs' claims are barred by the statute of limitations.

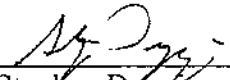
62. It is further asserted that Plaintiffs waived their rights, if any, to challenge the wording of the petition by waiting until immediately before the ballot was to be printed to challenge the wording when the question was approved by the Election Commission approximately seven months earlier.

63. It is further asserted that Plaintiffs claims are barred by laches in that they waited until immediately before the ballot was to be printed before they challenged the wording of the question which was approved by the Election Commission approximately seven months earlier.

WHEREFORE, Citizens for Government Accountability & Transparency pray that the complaint be dismissed with prejudice and that all costs be taxed against Plaintiffs.

This 2nd day of July 2014.

STEPHEN S. DUGGINS

By:   
(Stephen Duggins, BPR #013222)  
7446 Shallowford Rd, Suite 202  
Chattanooga, TN 37421  
423-899-3025 (t)  
423-899-3029 (f)  
Counsel for Citizens for Government  
Accountability & Transparency


### CERTIFICATE OF SERVICE

I certify that on this 2nd day of July, 2014 I sent a copy of the foregoing pleading to other counsel or parties by depositing same in the United States Mail with sufficient postage to ensure prompt delivery thereof and addressed to the following:

Stevie Phillips, Esq.  
Davis & Hoss, P.C.  
508 E. 5th Street  
Chattanooga, TN 37403

Rheubin Taylor, Esq.  
204 Courthouse  
625 Georgia Avenue  
Chattanooga, TN 37402

Phil Noblett, Esq.  
City Attorney's Office  
100 E. 11th Street, Ste. 200  
Chattanooga, TN 37402

  
(Stephen Duggins)

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CITY OF CHATTANOOGA

Plaintiff,

vs.

HAMILTON COUNTY ELECTION  
COMMISSION,

Defendant.

NO. 14C805

DIVISION

2014 JUL -2 PM 2:27  
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PAULA T. THOMPSON, CLERK  
BY: *HTV* DC

**MOTION TO CONSOLIDATE**

Comes now the Plaintiff, City of Chattanooga, by and through counsel, in accordance with Rule 42.01 of the *Tennessee Rules of Civil Procedure* and moves the Court to consolidate this cause with the case styled as: *Corliss Cooper and Robin Smith v. Hamilton County Election Commission*, Case No. 14-C-793 in Division \_\_\_\_ of this Court.

In support of this Motion, Defendant would show that the actions involve common questions of law and fact that arise out of the same incident. The interests of justice would be served by granting the Motion to Consolidate both cases in order to avoid unnecessary complications and confusion.

Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE  
OFFICE OF THE CITY ATTORNEY

BY:

*Phillip A. Noblett*

PHILLIP A. NOBLETT, BPR #10074

*Deputy City Attorney*

KEITH J. REISMAN – BPR #26974

*Assistant City Attorney*

100 E. 11<sup>th</sup> Street, Suite 200

Chattanooga, Tennessee 37402

(423) 643-8250

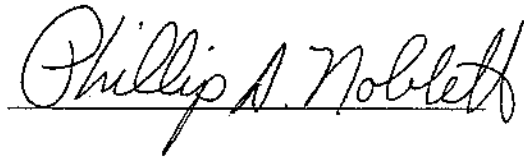
**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the above and foregoing pleading upon counsel of record by depositing a copy of same in the United States mail with adequate postage affixed thereto, addressed as follows:

Stevie N. Phillips  
DAVIS & HOSS, P.C.  
508 E. 5<sup>th</sup> Street  
Chattanooga, TN 37403

Rheubin Taylor  
County Attorney's Office  
204 Courthouse  
Hamilton County Courthouse  
Chattanooga, TN 37402

This 2<sup>nd</sup> day of July, 2014.



IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CORLISS COOPER AND  
ROBIN SMITH  
Plaintiffs

vs.

HAMILTON COUNTY ELECTION  
COMMISSION,  
Defendant

No. 14C793  
~~14C2793~~

Division H

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DEFENDANT HAMILTON COUNTY ELECTION COMMISSION'S  
MOTION TO DISMISS

Comes now the Hamilton County Election Commission, by and through its attorney, the Hamilton County Attorney's Office, and moves the Court pursuant to *Tennessee Rules of Civil Procedure* 12.02(8) and 9.01 to dismiss this action for the Plaintiffs' lack of standing. In support of this Motion, the Defendant would represent to the Court that the Plaintiffs are attempting to challenge the actions of the Defendant in complying with the laws of this State in recognizing and honoring the rights of and procedural steps taken by a group of citizens of the City of Chattanooga in their challenge to a proposed ordinance of the City of Chattanooga, and the language which will be presented on the ballots in August for the voters to consider.

Specifically, Plaintiff Corliss Cooper states that she is an employee of the City of Chattanooga. Therefore, she has certain benefits as are afforded to all City employees, and the alleged actions of the Defendant will not adversely affect said Plaintiff. Plaintiff Robin Smith, however, does not state that she is currently a City employee, and is therefore anticipating the entitlement of those benefits that may be provided by the actions of the City Council, if the actions of those protesting the City Council's actions are unsuccessful. Therefore, Plaintiff Robin Smith has at best an anticipatory interest (should her and Plaintiff Cooper's relationship

remain as it is) in the unsuccessful efforts of the protestors to the City Council's action of adopting the subject ordinance.

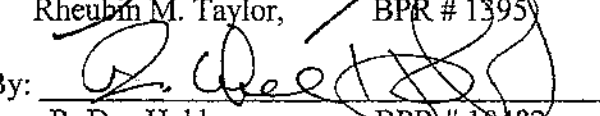
To have standing, the plaintiffs must allege a "particularized injury concretely and demonstrably flowing from the action of the defendants which will be redressed by the remedy sought." *Lugo v. Miller*, 620 F.2d 823, 827 (6<sup>th</sup> Cir. 1981). Furthermore, the Tennessee Supreme Court has stated that "no one can tell what the result of an election will be and no complainant can say he will be adversely affected by an election." *Buena Vista School District v. Board of Election Commissioners of Carroll County*, 116 S.W.2d 1008, 1009 (Tenn. 1938). Therefore, neither of the Plaintiffs presently have sufficient standing to bring this cause of action.

In the alternative, the Plaintiffs' request for a temporary restraining order, preliminary injunction, declaratory judgment, permanent injunction, and writ of mandamus should be stricken for failure of the Plaintiffs to properly verify said Complaint as required by Rule 65.04(2) of the Tennessee Rules of Civil Procedure.

Respectfully submitted,

**HAMILTON COUNTY ATTORNEY'S OFFICE**

By:   
Rheubin M. Taylor, BPR # 1395

By:   
R. Dee Hobbs, BPR # 10482


Attorneys for the Hamilton County Election Commission  
Room 204 Hamilton County Courthouse  
Chattanooga, TN 37402  
(423) 209-6150 – telephone  
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[rmtaylor@hamiltontn.gov](mailto:rmtaylor@hamiltontn.gov) – e-mail  
[rdhobbs@hamiltontn.gov](mailto:rdhobbs@hamiltontn.gov) – e-mail

**CERTIFICATE OF SERVICE**

I certify that I have served a true and exact copy of the foregoing by telefax, electronic, and regular mail delivery (by placing the same in the United States mail with sufficient postage to carry the same) to its destination, addressed to:

Stevie N. Phillips  
Attorney for Plaintiffs  
508 East 5<sup>th</sup> Street  
Chattanooga, TN 37403

This 2nd day of July, 2014.

  
Reubin M. Taylor

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CITY OF CHATTANOOGA

Plaintiff,

vs.

HAMILTON COUNTY ELECTION  
COMMISSION,

Defendant.

NO. 14C805

DIVISION \_\_\_\_\_

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2014 JUL -2 PM 2:25  
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**COMPLAINT FOR  
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

COMES NOW the CITY OF CHATTANOOGA, by and through its City Attorney, and for its Complaint for a Declaratory Judgment and Injunctive Relief states as follows:

**PARTIES**

1. The plaintiff, CITY OF CHATTANOOGA ("City") is a governmental entity which has the power and authority to adopt ordinances under its Charter and applicable Tennessee law and is entitled to a determination of provisions of its Charter regarding referendums as set forth in Sections 11.24 and 11.25 of the City Charter and the question to be stated on a ballot for municipal referendum elections as set forth in Tenn. Code Ann. § 2-5-208.

2. The defendant, Hamilton County Election Commission ("Election Commission") serves as County Election Commission for Hamilton County, Tennessee, pursuant to T.C.A. § 2-12-101 and is required to comply with election requirements for municipal referendum elections which are set forth in Tenn. Code Ann. §§ 2-5-151 and 2-5-208 .

### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this case pursuant to T.C.A. § 16-10-101 and § 29-14-102.

4. Venue is proper pursuant to T.C.A. § 20-4-101.

### **FACTS**

5. On November 19, 2013, the City Council of Chattanooga, Tennessee adopted, on second reading, Ordinance No. 12781 (hereinafter called, the “Nondiscrimination Ordinance”).

6. A certified copy of the Nondiscrimination Ordinance, which contains more than 300 words, is attached hereto as Exhibit “A”.

7. The Nondiscrimination Ordinance revised and added to the Chattanooga City Code certain benefits to City employees relative to domestic partnerships and extended the City’s nondiscrimination policy for City employees. Domestic partners are defined in the Nondiscrimination Ordinance as a person who states under oath that he or she has resided with the City employee for at least 365 days; the City employee and domestic partner are in a non-platonic and committed relationship of mutual caring; neither the City employee nor the domestic partner has a spouse as recognized under Tennessee law; the City employee and domestic partner have joint financial and credit responsibilities; and the City employee and domestic partner are not related to a degree of kinship that would otherwise prevent marriage under Tennessee law.

8. The Nondiscrimination Ordinance codified the City’s policy that employment should be based on merit and fitness, without regard to age, sex, race, sexual orientation, gender identity or expression, ethnicity, religion, physical disability, national origin, protected veteran or

military status, or political affiliations, except where such category or class constituted a *bona fide* occupational qualification.

9. The Nondiscrimination Ordinance extended some City benefits to domestic partners of City employees as defined in the ordinance. Specifically, the Nondiscrimination Ordinance extends medical benefits to domestic partners of City employees. The Nondiscrimination Ordinance also established family leave benefits to allow all City employees to care for domestic partners suffering from serious health problems.

10. The Nondiscrimination Ordinance was initially adopted to take effect at the beginning of the City's 2014 renewal period of the City's employee health insurance program. However, a proposed petition for referendum was filed with the Hamilton County Election Commission after passage of this ordinance by the City Council on November 19, 2013 seeking a referendum on the adoption of the Nondiscrimination Ordinance pursuant to Section 11.25 of the City Charter. Plaintiff is unaware of any ordinance that has required a referendum vote pursuant to the City Charter at any time in the past thirty years other than Charter change referendums.

11. On November 20, 2013, the Hamilton County Election Commission approved the form of the proposed petition for referendum pursuant to Tenn. Code Ann. § 2-5-151. The petition for referendum that was approved by the Hamilton County Election Commission stated the following: "Shall the City of Chattanooga's 'domestic partnership' ordinance (Ordinance No. 12781) be adopted?"

12. In addition to the full text of the question, the petition for referendum that was approved by the Hamilton County Election Commission set forth the following suggested answers to the question:

For the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy

Against the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy

13. It is averred that neither the question contained in the petition approved by the Hamilton County Election Commission nor the answers set out in the petition adequately or fairly described the Nondiscrimination Ordinance to give voters sufficient information to enable them to cast their vote intelligently on this referendum with knowledge of all provisions which were considered by the City Council in its adoption of the Nondiscrimination Ordinance as part of its legislative authority for the City.

14. On December 16, 2013, the Hamilton County Election Commission certified that completed petitions for referendum met all applicable requirements to submit the Nondiscrimination Ordinance to a vote of the registered voters of City. A copy of the applicable Charter provisions at Section 11.24 and 11.25 is attached as Exhibit "B". Pursuant to Section 11.25 of the Charter the Nondiscrimination Ordinance was suspended from going into operation due to the filing of a petition for referendum and it became the duty of the City Council to reconsider such ordinance; and if the same was not entirely repealed, the city finance officer was required to transmit said petition with a certificate of the action of the city council to the commissioners of elections, **"whose duty it shall then be to submit said ordinance to a vote of the qualified voters of said city at a general election or special election called for that purpose...and said ordinance shall not go into effect or become operative unless a majority of the qualified voters voting upon the same shall vote in favor thereof."**

15. The City Council took no action to repeal this ordinance during its meeting on January 7, 2014 and the Election Commission was allowed to submit this Ordinance to a vote of

the people pursuant to Section 11.25 of the City Charter during the August 7, 2014 election. A copy of City Council Minutes for January 7, 2014 is attached as Exhibit "C".

16. Ordinance No. 12781 is more than 300 words. On June 12, 2014, upon request from the Administrator of Elections pursuant to T.C.A. § 2-5-208(f)(2), the City Attorney of the City submitted the following as a brief summary of the Nondiscrimination Ordinance for use as the ballot question:

Shall Ordinance No. 12781 go into effect or become operative to amend the City Code of the City of Chattanooga so as to (1) ensure that City employees are also afforded equal protection against harassment and discrimination because of ethnicity, sexual orientation, gender identity and gender expression; and to (2) provide certain medical and leave benefits to a qualified domestic partner of City employees? A qualified domestic partner is a person who states under oath they have resided with the City employee for at least 365 days; the City employee and domestic partner are in a non-platonic and committed relationship of mutual caring; neither the City employee nor the domestic partner has a spouse as recognized under Tennessee law; the City employee and domestic partner have joint financial and credit responsibilities; and the City employee and domestic partner are not related to a degree of kinship that would otherwise prevent marriage under Tennessee law. A referendum on this ordinance is required pursuant to Section 11.25 of the Chattanooga City Charter.

17. Initially, the Hamilton County Election Commission adopted the summary prepared by the City Attorney of the City of Chattanooga and prepared sample ballots utilizing the summary. Attached hereto as Exhibit "D" is a true and correct copy of the sample ballot for Hamilton County General & Municipal Election showing the ballot question as submitted by the City Attorney of the City of Chattanooga which was approved by the Election Commission on June 11, 2014. The City Attorney would submit that the language of this summary was appropriate to go on the ballot as required under Tenn. Code Ann. 2-5-208 (f).

18. Kerry Steelman, Administrator of Elections received a letter concerning the ballot language of this municipal ordinance referendum from Mark Goins, Coordinator for Elections on June 26, 2014. That letter is attached as Exhibit "E". Upon information and belief on June 27,

2014, the Hamilton County Election Commission held a special meeting to consider the appropriate ballot question relating to the adoption of the Nondiscrimination Ordinance.

19. The only notice received by the City Attorney was an email from Attorney Chris Clem dated June 25, 2014 at 2.29 pm which is attached as Exhibit "F". That notice was also sent to Attorney Steve Duggins who represented the Petitioners in this Referendum filing and the State Coordinator of Elections Mark Goins but the City is not aware of any other public notice for this special meeting of the Hamilton County Election Commission. Plaintiff does not have sufficient information to establish whether Hamilton County Election Commission gave adequate public notice of its June 27, 2014 special meeting. Plaintiff is aware that reporters from the Chattanooga and the Times Free Press did attend this meeting.

20. Plaintiff has not received any information that the Hamilton County Election Commission gave adequate public notice of the agenda for the Hamilton County Election Commission.

21. During the Hamilton County Election Commission June 27, 2014 special meeting, Hamilton County Election Commission rejected the ballot question supplied by the City Attorney of the City of Chattanooga and approved by the Election Commission on June 11, 2014 and instead adopted the language of the petition for this referendum as the ballot question: "Shall the City of Chattanooga's 'domestic partnership' ordinance (Ordinance No. 12781) be adopted?"

22. As answers to the ballot question, the Hamilton County Election Commission also adopted the form submitted in the petition for referendum as follows:

For the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy

Against the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy

23. Attached hereto as Exhibit "G" is a true and correct copy of the sample ballot for State Democratic and State Republican Primary & Hamilton County General & Municipal Election showing the ballot question and ballot answers adopted by Hamilton County Election Commission on June 27, 2014.

24. The approved sample ballot for this municipal referendum on a city ordinance does not contain the language of the Domestic Partnership Ordinance. The revised sample ballot is currently posted on the website of the Hamilton County Election Commission for the August 7<sup>th</sup> election. The Election Commission Website has now been amended to post a link so that the full language of the Domestic Partnership Ordinance can be read online from that website as of the date that this petition is filed. A copy of the website page as it currently exists is attached as Exhibit "H" on the date of filing of this Petition.

COUNT ONE  
INVALID BALLOT QUESTION

25. Plaintiffs reallege and incorporate Paragraphs 1 to 24 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein.

26. The Charter of the City of Chattanooga ("City Charter") provides the following at Section 11.25:

No ordinance passed by the city council, except an ordinance which the public peace, health or safety shall require to take effect immediately and which shall contain a statement of such urgency and be passed by a vote of more than five (5) of the city council, shall go into effect before two (2) weeks from its final passage; and if, during said two (2) weeks a petition such as is hereinafter described to be filed with the city finance officer protesting against the passage of said ordinance, the same shall be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance; and if the same is not entirely repealed, the city finance officer shall transmit said petition with his certificate of the action of the city council thereon to the **commissioners of election, whose duty it shall then be to submit said ordinance to a vote** of the qualified voters of said city at a general election or a special election called for that purpose in like manner as provided in the second section of this Act [section

11.24 hereof], and said ordinance shall not go into effect or become operative unless a majority of the qualified voters voting upon the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the second section of this Act [section 11.24 hereof], but it shall be the duty of the said commissioners of election to examine and certify the same within said period of two (2) weeks. (emphasis added)

27. Tenn. Code Ann. § 2-5-151 provides procedures for petitions for recalls, referenda or initiatives but does not address ballot questions nor does it preempt the City Charter Section 11.25 requirement that the ordinance be submitted to a vote.

28. The Nondiscrimination Ordinance is more than three hundred (300) words in length.

29. Tenn. Code Ann. § 2-5-208(f)(2) provides as follows:

If the full statement of a question is more than three hundred (300) words in length, the question shall be preceded by a brief summary of the proposal written in a clear and coherent manner using words with common everyday meanings. Such summary shall not exceed two hundred (200) words in length. The summary shall be written by the attorney general and reporter for questions submitted to the voters of the entire state or of more than one (1) county or by the county attorney of the county in which the question is to be voted upon for questions to be submitted to the voters of one (1) county or any part of a county. The summary for questions submitted to the voters of a municipality shall be written by the city attorney of the municipality in which the question is to be voted upon.

30. A summary of the question to be submitted to the voters of Chattanooga was written by the City Attorney of the City and submitted to the Hamilton County Election Commission as required by Tenn. Code Ann. § 2-5-208(f)(2).

31. The City Attorney's summary of the question was written in a clear and coherent manner using words with common everyday meanings.

32. The City Attorney's summary of the question gave adequate notice of the ordinance being voted on.

33. The City Attorney's summary of the question did not exceed two hundred (200) words in length.

34. In violation of Tenn. Code Ann. § 2-5-208(f)(2), the Hamilton County Election Commission rejected the City Attorney's summary of the question and adopted a ballot question that does not give adequately notice of the ordinance being vote on and is not written in a clear and coherent manner using words with common everyday meanings.

COUNT TWO  
INVALID BALLOT ANSWERS

35. Plaintiff realleges and incorporates Paragraphs 1 to 34 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein.

36. Tenn. Code Ann. § 2-5-208(f)(1) provides as follows:

Whenever a question is submitted to the vote of the people, it shall be placed at the end of the ballot, followed by the words "Yes" and "No", so that the voter can vote a preference by making a cross mark (X) opposite the proper word. If a retention judicial question is on the ballot as provided for in subdivision (c)(3), this question shall be placed after the retention judicial question; provided, that whenever the question of a state constitutional amendment is submitted to the vote of the people pursuant to article XI, § 3, paragraph 1 of the Tennessee Constitution, it shall be printed upon the ballot directly after the list of candidates for governor followed by the words "Yes" and "No", so that the voter can vote a preference by making a cross mark (X) opposite the proper word. Any question submitted to the people shall be worded in such a manner that a "yes" vote would indicate support for the measure and a "no" vote would indicate opposition.

37. In violation of Tenn. Code Ann. § 2-5-208(f)(1), the Hamilton County Election Commission adopted "answers" to the ballot question that did not consists of only the words "Yes" and "No," but consisted of confusing language that misrepresented the effect of the Nondiscrimination Ordinance if adopted.

COUNT THREE  
INJUNCTIVE RELIEF

38. Plaintiff realleges and incorporates Paragraphs 1 to 37 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein.

39. As stated in this Verified Complaint, early voting begins on July 18, 2014, but nursing homes will be distributed copies of ballots for early voting on July 9, 2014. Upon information and belief, Defendant intends to publish, print, and/or otherwise disseminate the illegal ballots related to the City of Chattanooga's Non-discrimination Ordinance before a hearing or final judgment in this action can occur.

40. Plaintiff submits that the current language on the ballot is in direct violation of the City Charter and State law. Furthermore, the language does not give voters sufficient information to enable them to cast their vote intelligently, knowing the consequences thereof.

41. As a result, Plaintiff's rights as registered voters will be violated, and they will suffer immediate and irreparable injury, loss, and damage before a hearing or final judgment in this action can occur if the ballots are disseminated and they are required to vote on this language.

42. Also, as a result, Plaintiff will suffer immediate and irreparable injury, loss and damage before a hearing or final judgment in this action can occur if the ballots are disseminated and the electorate is required to vote on this language, which directly impacts their domestic partner benefits and ultimately their livelihood.

43. Finally, Plaintiff will have no adequate remedy under the law after Defendant has published, printed, or disseminated the ballots.

Wherefore, Plaintiff moves this Honorable Court to issue a declaratory judgment declaring the provisions of this ballot to be void and granting a temporary restraining order, a preliminary injunction and a permanent injunction enjoining Defendant from publishing, printing, or otherwise disseminating of any ballots related to the City of Chattanooga's

Nondiscrimination Ordinance other than the question approved by the City Attorney pursuant to Tenn. Code Ann. § 2-5-208.

RELIEF SOUGHT

WHEREFORE, Plaintiff prays as follows:

1. That proper process issue to the Hamilton County Election Commission requiring it to answer this complaint within the time allowed by law or as quickly as possible due to the pending timing of the ballot on this municipal question for the August 6, 2014 election;
2. That this Court hold a prompt hearing to determine whether a temporary restraining order should be issued pursuant to Rule 65.02 of the *Tennessee Rules of Civil Procedure* to enjoin the Hamilton County Election Commission from printing or using the revised ballots for the August 7, 2014 election until this action has been concluded due to the urgency of timing before early voting and nursing home voting begins on July 9 and/or July 18, 2014;
3. That a preliminary injunction be entered pursuant to Rule 65.04 of the *Tennessee Rules of Civil Procedure*, if necessary, to enjoin the Hamilton County Election Commission from printing or using ballots for the August 7, 2014 election until this action has been concluded
4. That this Court issue a declaratory judgment that the ballot question adopted by the Hamilton County Election Commission is contrary to the law of this state;
5. That this Court issue a declaratory judgment that the ballot question submitted by the City Attorney of the City of Chattanooga complies with the law of this state;
6. That this Court issue a declaratory judgment that the ballot answers adopted by the Hamilton County Election Commission are contrary to the law of this state;

7. That this Court issue a declaratory judgment as to whether the June 27, 2014, special meeting of the Hamilton County Election Commission violated Tenn. Code Ann. § 8-44-103(b) and that all deliberations and decisions taken during the meeting are void;

8. That this Court issue a permanent injunction requiring the Hamilton County Election Commission to use the ballot question submitted by the City Attorney of the City of Chattanooga on the Hamilton County ballots for the City of Chattanooga and that the answers be, "Yes" or "No";

9. That this Plaintiff be awarded its costs of filing this action in this cause; and

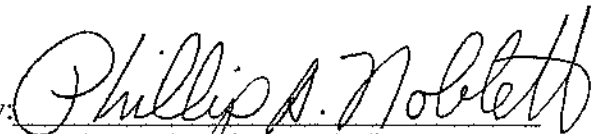
10. That this Plaintiff is entitled to such other and further relief as the equity and justice of this cause may require.

**THIS IS PLAINTIFF'S FIRST APPLICATION FOR INJUNCTIVE RELIEF.**

Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE  
OFFICE OF THE CITY ATTORNEY

By:



WADE A. HINTON - BPR #20473

*City Attorney*

PHILLIP A. NOBLETT - BPR #10074

*Deputy City Attorney*

100 East 11<sup>th</sup> Street, Suite 200

Chattanooga, Tennessee 37402

(423) 643-8250

*Attorneys for the City of Chattanooga*

VERIFICATION OF COMPLAINT

ANDY BERKE is the Mayor for the Plaintiff named in the foregoing Complaint being duly sworn, says that the facts and allegations contained therein are true, except so far as they are therein stated to be on information and belief, and that, so far as they are therein stated to be on information, he/she believes them to be true.

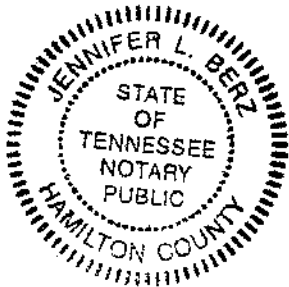
CITY OF CHATTANOOGA, TENNESSEE

By: *Carol Berz*  
CAROL BERZ, City Council Vice-Chair

Sworn to and subscribed before me  
this 2 day of July, 2014.

*Jennifer L. Berz*  
NOTARY PUBLIC AT LARGE

My commission expires: February 22, 2017





## Chattanooga Clerk of the City Council

1000 Lindsay Street

Chattanooga, Tennessee 37402

Telephone (423) 643-7170 / Fax (423) 643-7199

*Sandra L. Freeman*  
Clerk of the Council

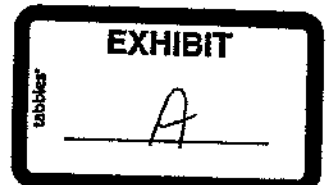
*Nicole S. Guynn, CMC*  
Deputy Clerk of the Council

## NOTICE OF CERTIFICATION

*I, Sandra L. Freeman, Clerk of the City Council of Chattanooga, Tennessee, and as such keeper of the records of the City Council of said City, do hereby certify that the attached record is a true, compared and correct copy of Ordinance No. 12781 passed at the City Council meeting on November 19, 2013.*

*WITNESS my hand and the Seal of the City of Chattanooga, Tennessee on this 27th day of June, 2014.*

*Sandra L. Freeman*  
Clerk to the City Council



First Reading: 11/12/2013  
Second Reading: 11/19/2013

ORDINANCE NO. 12781

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
PART II, CHAPTER 2, ARTICLE III, SECTIONS 2-137, 2-138,  
2-149, 2-151, 2-152, 2-153, 2-165.1, 2-183 AND PART II,  
CHAPTER 2, ARTICLE XIII, SECTION 2-751, RELATIVE TO  
DOMESTIC PARTNERSHIP AND NON-DISCRIMINATION.

---

WHEREAS, the City Council of the City of Chattanooga desires to ensure that City employees are afforded equal protection against harassment and discrimination and have access to employment based on merit; and

WHEREAS, the City Council of the City of Chattanooga recognizes that the State of Tennessee precludes recognition of domestic partnerships granted by any state, but desires to provide certain medical and leave benefits to unmarried domestic partners; and

WHEREAS, to the extent not superseded by federal, state, or other city law or contrary to rights conferred by contract or separate legal instrument, a qualified domestic partner, as defined in Section 2-138 below, of a City employee shall be eligible for the same medical and leave benefits as are available to the spouse of a City employee.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,  
TENNESSEE:

SECTION 1. That Part II, Chattanooga City Code, Chapter 2, Article III, Division 1, Section 2-137 of the Chattanooga City Code is hereby amended by deleting subsection (b)(1) in its entirety and substituting in lieu thereof the following:

**Sec. 2-137. General purpose.**

(b) In order that this purpose may be accomplished, it shall be the policy of the city that:

- (1) Employment shall be based on merit and fitness, without regard to age, sex, race, sexual orientation, gender identity or expression, ethnicity, religion, physical disability, national origin, protected veteran or military status, or political affiliations, except where such category or class constitutes a bona fide occupational qualification.

**SECTION 2.** That Part II, Chattanooga City Code, Chapter 2, Article III, Division 1,

Section 2-138 is hereby amended by adding the following definitions in alphabetical order:

**Sec. 2-138. Definitions.**

*Basic living expenses* means the cost of basic food and shelter.

*Affidavit of Domestic Partnership* means a form provided by the Department of Human Resources that creates a domestic partnership when signed by the city employee and the domestic partner. By signing it, the city employee and the domestic partner attest, under penalty of perjury, that they both meet all of the requirements of domestic partners as provided herein.

*Dependent and Dependency* defined:

1. As used with respect to domestic partnership benefits these terms shall mean one who relies on another for financial support. Dependency does not depend on whether the dependent could support himself/herself without the supporter's earnings or whether the dependent could so reduce his/her expenses such that he/she could live independently of the supporter's earnings. Dependency does not depend on whether the dependent is employed and/or earns a substantial part of his/her own support. Dependency depends on whether the dependent was and is supported, in whole or in part, by the supporter's earnings.
2. An employee's domestic partner shall be deemed a "dependent" of the employee if:
  - (a) The employee makes contributions to the domestic partner of cash and supplies, and the domestic partner relies upon and uses those contributions to support himself/herself in order to maintain his or her standard of living. The contributions may be at irregular intervals and of irregular amounts; however, the contributions must have existed at least twelve (12) months, and must be continuing;

- (b) The employee is obligated, based upon his/her commitment set forth in the Affidavit of Domestic Partnership, to continue the financial support of the domestic partner for so long as the domestic partnership shall be in effect.; and
- (c) The domestic partner is supported, in whole or in part, by the employee's earnings, and has been for at least the last twelve (12) months.

*Domestic Partner* means two (2) adult people who meet the requirements set forth in Section 2-151 and is dependent on the employee as that term is defined in section 2-138.

*Immediate family:* The employee's spouse, the employee's domestic partner, and each person who is any of the following relations to the employee, the employee's spouse, or the employee's domestic partner:

- (a) grandparent;
- (b) parent;
- (c) child;
- (d) grandchild; and
- (e) sibling.

*Share a primary residence* means that two (2) persons share the same primary living quarters; however, it is not necessary that the legal right to possess the living quarters be in both of their names.

SECTION 3. That Part II, Chattanooga City Code, Chapter 2, Article III, Division 4, Section 2-149, is hereby amended by deleting subsections (a), (a)(4), (e) and (g)(3) in their entirety and substituting in lieu thereof the following and, as appropriate, by adding new sections below:

**Sec. 2-149. Medical benefits for eligible employees.**

(a) The spouse, domestic partner and dependents of an employee or dependents of a domestic partner shall be entitled to continued health care coverage, not to exceed thirty-six (36) months, if they would otherwise lose coverage because of:

- (1) the employee's death;
- (2) the employee's divorce or legal separation;
- (3) a dependent ceasing to be eligible for dependent coverage; or

(4) a Medicare ineligible spouse or domestic partner.

(b) Employees and their eligible dependents shall be entitled to continued health care coverage, not to exceed eighteen (18) months, if the employee loses coverage because of:

(1) reduction of hours worked or is discharged for reason other than cause;

(2) the employee voluntarily quits or resigns (but this does not include retirement); and

(3) layoffs for economic reasons causing the employee to lose his/her job.

(c) An individual may elect health care coverage for less than the entire thirty-six (36) months (or eighteen (18) months).

(d) Any election of continued health care coverage by an employee may be made retroactively to the date of the event enabling such person or dependent to be entitled to the rights granted by this section, as long as such election is made within the time limits established in subsection (f).

(e) Whenever an employee experiences a qualifying life event as defined by IRS Section 125, for example but not limited to, when an employee is divorced or legally separated, or dependent child ceases to be eligible for dependent coverage, or loses coverage because of reduction of work hours or is discharge, or voluntarily quits or resigns (this does not include retirement), or is laid-off for economic reasons, it is the employee's responsibility to notify the City Benefits Office within thirty (30) days of the qualifying life event. Upon notification of the qualifying life event, the City Benefits Office shall notify the City COBRA administrator who in turn shall notify any eligible employee or spouse, eligible employee or domestic partner or eligible employee or dependent child of a domestic partner of his or her right to select continued health care coverage pursuant to this section. The City COBRA administrator shall provide a separate notice to any dependent child not residing with the eligible employee or the spouse or domestic partner of the eligible employee. Such notice by the COBRA administrator shall be given in writing by mail to the last known address of the eligible employee or eligible dependent individual.

(f) A person entitled to the coverage referred to in this section shall pay one hundred two percent (102%) of a reasonable estimate calculated on an actuarial basis of the cost of providing coverage for similarly situated individuals during the upcoming plan year which shall begin on the first day of July of each year. Prior to the first day of July in each year, the city council shall establish by resolution the premiums to be paid during the next plan year beginning on the first day of July of that year.

All premiums shall be paid prospectively. Individuals eligible for coverage continuation must elect such continuation within sixty (60) days of a qualifying event. In the event the election to continue health care coverage is made retroactively, such person shall be given forty-

five (45) days within which to bring his/her premium payments current and continue such premium payments on a monthly basis thereafter. In the event a premium payment is not received within thirty (30) days of its monthly due date, coverage shall terminate automatically without further notice to such person. Notwithstanding the provisions of the foregoing sentence, the administrator shall cause notice to be given by mail to any participant whose coverage under the plan has been terminated for nonpayment of premium or for any other reason.

(g) The coverage of any participant hereunder shall terminate immediately upon the occurrence of any of the following:

- (1) The city shall cease altogether to provide any group health plan for any employees;
- (2) The premium is not paid within thirty (30) days of its due date;
- (3) The former employee, spouse, domestic partner, or dependent becomes covered by Medicare or becomes covered as an employee under any other group health plan; or
- (4) A former spouse remarries and becomes covered under another group health plan.

(h) The administrator shall notify by mail any person of termination of his/her coverage under the plan. Upon termination of coverage under the plan, any premium paid in advance shall be refunded on a pro rata basis for the period of time for which the premium had been paid but for which coverage has been terminated.

(i) Nothing herein is intended to amend or modify section 2-150 relative to hospitalization and other benefits after retirement nor should it be so construed.

#### **Sec. 2-151. Eligibility For Benefits—Qualified Domestic Partners.**

To be eligible for coverage as a qualified domestic partner, the city employee and the domestic partner must complete and file the 'Affidavit of Domestic Partnership' in which they attest that:

- (a) The city employee and the domestic partner are over age 18 and are mentally and legally competent to enter a contract;
- (b) The city employee and the domestic partner have shared a primary residence for the preceding three hundred sixty-five (365) days the duration of which time both were over age 18;
- (c) The city employee and the domestic partner have chosen to share one another's lives in a nonplatonic and committed relationship of mutual caring;

- (d) The city employee and the domestic partner are jointly responsible for basic living expenses regardless of actual contributions to such expenses, as demonstrated by a signed declaration of financial interdependence and by providing three (3) proofs of the following criteria to the satisfaction of the Human Resources Department:
- 1) Joint ownership of a primary residence or joint tenancy of a residential lease;
  - 2) Copy of a utility (water, gas or electric) invoice listing both domestic partners;
  - 3) Joint ownership of an automobile;
  - 4) Joint bank, credit account, or other liabilities;
  - 5) A will or trust designating either the city employee or the domestic partner as beneficiary or trustee of the other;
  - 6) A retirement plan or life insurance policy beneficiary designation form designating the city employee or the domestic partner as beneficiary of the other; and
  - 7) A durable power of attorney signed by the city employee or the domestic partner designating powers to the other.
- (e) Neither the city employee nor domestic partner has either another spouse as recognized by Tennessee or another domestic partner as defined in this Section 2-138, or has had such during the period describable in § 2-151(1) above.
- (f) The city employee and domestic partner are not lineal ancestors or descendants, and are not related to a degree of kinship that would otherwise prevent marriage from being recognized under the laws of the State of Tennessee.
- (g) The definition of "dependent," as set forth in Section 2-138 shall require the employee and his/her domestic partner to attest that the domestic partner is a dependent of the employee and to also attest that the employee and domestic partner agree to notify the Human Resources Department in writing, within 30 days, if the domestic partner no longer meets all the requirements set forth in the definition of "dependent and "dependency."

**Sec. 2-152. Regulations for domestic partnerships.**

The Human Resources Department is authorized to promulgate regulations to effectuate the purposes of Section 2-151. The regulations shall provide that any person who submits false information in connection with Section 2-151 shall be **subject to discipline as set forth in Section 2-174.**

**Sec. 2-153. Termination of a domestic partnership.**

- A. A domestic partnership terminates when at least one of the domestic partners no longer qualifies as a domestic partner as that term is defined in Section 2-138.
- B. If a domestic partnership ends, the employee must submit written notice to the Human Resources Department within thirty (30) calendar days after the termination of the domestic partnership. The notice must be dated and signed under penalty of perjury. The employee must also send a written copy of the notice to his or her former domestic partner by certified mail.

**SECTION 4.** That Part II, Chattanooga City Code, Chapter 2, Article III, Division 6,

Section 2-165 is hereby amended by the addition of the following subsection:

**Sec. 2-165.1. Extended family and medical leave.**

(a) Any city employee who has been employed for at least twelve (12) months as a permanent, full-time employee and who has at least 1,250 hours of service during the previous twelve (12) month period shall be eligible to take leave for family and medical reasons, including the birth, adoption, or placement of a child, the care of a child, domestic partner or parent who has a serious health condition, for his or her own serious health condition, or a qualifying exigency arising from a domestic partner, child or parent on active military duty in support of a contingency operation as a member of the National Guard or Reserves. Extended Family and Medical Leave is subject to certain provisions set forth below:

(b) **Definitions.** For the purposes of this section, the following terms and definitions shall apply:

- (1) Parent shall mean the biological, adoptive, or step- parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. It shall not include parents-in-law or parents of domestic partners.
- (2) Reduced leave schedule shall mean a leave schedule that reduces the usual number of hours per work week, or hours per work day, of an employee.
- (3) Serious health condition shall mean an illness, injury, impairment, or physical or mental condition that involves:
  - (i) inpatient care in a hospital, hospice, or residential medical care facility (that requires an overnight stay); or

- (ii) continuing treatment by a health care provider that requires absence from work, school, or other regular daily activity.
- (4) Son or daughter shall mean a biological, adopted, or foster child, a stepchild, a legal ward, a child of a person standing in loco parentis, or a child of domestic partner who is:
  - (i) under eighteen (18) years of age; or
  - (ii) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.
- (5) Next of kin shall mean the nearest blood relative other than the covered service member's domestic partner, child or parent.

(c) Any eligible employee shall be granted, upon request, up to twelve (12) work weeks unpaid leave after using premium compensatory and personal leave during any twelve (12) month period for the birth or adoption or placement of a child, for the care of a child, domestic partner, or parent who has a serious health condition, or because the employee has a serious health condition that makes the employee unable to perform the functions of the position of such employee. The twelve-month period will be measured forward for each employee, beginning on the date on which the employee first takes Extended Family and Medical Leave. An eligible employee who is the domestic partner, child, parent or next of kin of an active service member of the Armed Forces, including the National Guard or Reserves, is limited to a total of twenty-six (26) work weeks of unpaid leave during a single twelve (12) month period. Nothing herein shall be deemed to limit the right of any employee to use accumulated personal leave when the employee has a serious health condition that makes the employee unable to perform the functions of the position of such employee.

(d) Any employee using leave pursuant to the provisions of this section shall at the time the leave begins or as soon as the employee believes that the leave qualifies under this section explain the reasons therefore so that the City may determine that the leave qualifies under this section and properly account for same.

(e) When such leave is foreseeable, the employee shall provide the City with at least thirty (30) days written notice before the beginning of the anticipated leave, and when circumstances preclude giving thirty (30) days' notice, the employee shall provide such notice as is practicable, normally within two (2) working days of when the employee becomes aware of the need for Extended Family and Medical Leave. Extended Family and Medical Leave will begin on the first work day of leave without pay for employees providing advanced written notice. Departments will automatically place employees on Extended Family and Medical Leave after two (2) working days of leave without pay if the employee has failed to apply and the employee's absence is based on one of the qualifying factors for eligibility. Departments will inform employees in writing. When such leave is requested to care for a family member having a serious health condition or for treatment because of the employee's own serious health condition

which is foreseeable, the employee shall:

- (1) make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the child, domestic partner, or parent of the employee, as appropriate; and
- (2) provide the employer with not less than thirty (30) days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

(f) When leave is for the care of a seriously ill domestic partner, child, or parent or for the employee's own serious health condition, the City may require that request for leave be supported by a certification issued by a health care provider within sixteen (16) calendar days of the request. The certification must include the following information:

- (1) the date upon which the serious health condition commenced;
- (2) probable duration of the condition;
- (3) the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
- (4) a statement that the eligible employee is needed to care for the child, spouse, domestic partner, or parent and an estimate of the amount of time that such employee is needed.

(g) If there is any reason to doubt the validity of the certification provided, the City may require, at the expense of the City, an opinion of a second health care provider designated or approved by the City. If the second opinion differs from the first opinion, then the City may require at its expense, that the employee obtain the opinion of a third health care provider designated and approved jointly by the City and the employee. The opinion of the third health care provider shall be considered final and binding on the City and the employee.

(h) The City may require that the employee obtain subsequent re-certification on a reasonable basis.

(i) Extended Family and Medical Leave may be taken intermittently or on a reduced leave (part-time) basis. However, if Extended Family and Medical Leave is taken on an intermittent or reduced leave basis, the employee may be transferred temporarily to an available alternative position which better accommodates recurring periods of leave. In addition, if Extended Family and Medical Leave is taken for the birth or placement of a child, it must be taken at one time, not intermittently or on a reduced leave basis.

(j) Upon completion of Extended Family and Medical Leave, the employee shall be

restored to the same position of employment or an equivalent position with no loss of benefits, pay or other terms of employment.

(k) If both the employee and the domestic partner work for the City, then the aggregate number of work weeks of leave of both the employee and the domestic partner are entitled for birth or placement for adoption or foster care, shall be limited to twelve (12) work weeks during any twelve (12) month period.

(l) The employee shall maintain health care coverage during the duration of the leave in the same manner as provided to any other employee on a paid leave of absence, subject to continuing deduction of the employee's share of health care coverage during paid leave. If the employee goes into a status of leave without pay, then to maintain health care coverage the employee shall pay the employee's share to the Employee Benefits Office on or before the tenth day of each month. The City may recover the then applicable reasonable estimate calculated on an actuarial basis of the cost of providing health care coverage for health care that it pays under the following conditions:

- (1) the employee fails to return from leave after the period of leave is expired;  
or
- (2) the employee fails to return to work for a reason other than continuation, recurrence or onset of a serious health condition or other circumstances beyond the control of the employee.

(m) Employees meeting the requirements herein will be eligible for leave either as provided under this Section 2-165.1 or leave under Section 2-165 but not both.

SECTION 5. That Part II, Chattanooga City Code, Chapter 2, Article III, Division 10, Section 2-183 is hereby amended by deleting this section in its entirety and substituting in lieu thereof the following:

**Sec. 2-183. Anti-harassment policy.**

As an equal opportunity employer, the City is committed to promoting and maintaining a working environment free of all forms of sexual and other unlawful harassment and discrimination. Simply put, the City does not and will not tolerate illegal harassment of its employees. Any form of harassment related to an individual's race, color, sex, religion, national origin, age, disability, sexual orientation, gender identity or expression, and ethnicity is a violation of this policy and will be treated as a disciplinary matter. The term "harassment" includes, but is not limited to, slurs, jokes and other verbal, graphic, or physical conduct, statements, or materials relating to an individual's race, color, sex, religion, national origin, age or disability sexual orientation, gender identity or expression, and ethnicity. "Harassment" also includes sexual advances, requests for sexual favors, unwelcome or offensive touching, sexually provocative or abusive language, and other verbal, graphic, or physical conduct of a sexual nature. Unlawful harassment may result in the loss of a tangible job benefit, take the form of an

implied or express condition of employment, or it may result in an unduly hostile or oppressive work environment. If any employee has any questions about what constitutes harassing behavior, such employee is encouraged to contact his/her supervisor or the City Personnel Director.

SECTION 6. That Part II, Chattanooga City Code, Chapter 2, Article XIII, Section 2-183, Code of Ethics, of the Chattanooga City Code is hereby amended by deleting subsection (c) in its entirety and substituting in lieu thereof the following:

**Sec. 2-751. Definition of "personal interest."**

- (c) Any such financial, ownership, or employment interest of the official's or employee's spouse or domestic partner, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).

SECTION 7. That Part II, Chattanooga City Code, Chapter 2, Article III, Division 4, Section 2-153.1 is hereby amended by the addition of the following:

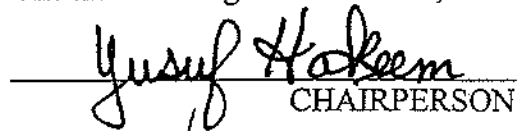
**Sec. 2-153.1 Severability.**

Any provision of this Ordinance which shall be determined to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision and all other provisions shall remain in full force and effect.

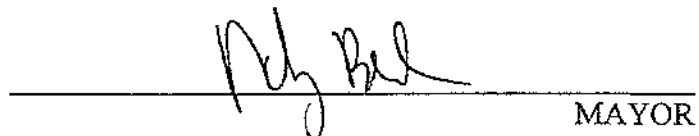
SECTION 8. That the provisions of this Ordinance are not intended to create any contractual rights between the City and its employees.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance shall take effect at the beginning of the City's 2014 renewal period of the employee health insurance program.

Passed on second and final reading: November 19, 2013

  
CHAIRPERSON

APPROVED: ☒ DISAPPROVED: ☐

  
MAYOR

WAH//VLM/mms

## CHATTANOOGA CITY CHARTER

### CHAPTER II. INITIATIVE AND REFERENDUM

#### Sec. 11.24. Initiative.

Any proposed ordinance may be submitted to the city council of the City of Chattanooga by petition signed by the qualified voters of said city equal in number to twenty-five per centum (25%) of the votes cast for all the candidates for mayor at the last preceding general municipal election, with the request that said ordinance be submitted to a vote of the people, if not passed by the city council. The signatures, verification, inspection, amendment and certification of each petition shall be the same as provided in section 23 of the Act hereby amended [section 3.18 hereof]. If the commissioners of election certify to the sufficiency of the petition, the proposed ordinance and petition shall be filed, with the city finance officer, and thereupon either (1) the city council shall pass such ordinance without alteration within six (6) weeks after it is so filed, or, if they fail or refuse to do so, (2) the city finance officer shall transmit said ordinance and petition, together with his certificate that the city council fail or refuse to pass such an ordinance, to the commissioners of election, whose duty it shall then be to call special election to be held as soon as may be done conformably to law, unless a general municipal election is fixed to be held within ninety (90) days; and at said special election, if one is so fixed, said ordinance shall be submitted without alteration to the vote of the qualified voters of said city. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become as valid and binding an ordinance of the city as if duly passed by the board of commissioners; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six (6) months for such a purpose.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this Act to be submitted to the voters of the city at any election, the city finance officer shall cause such ordinance or proposition to be published in each of the daily newspapers published in said city, such publication to be not more than twenty (20) nor less than five (5) days before the submission of such proposition or ordinance to be voted on. (Priv. Acts 1911, Ch. 15, § 2; Ord. No. 9433, § 1, 8-21-90; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11272, § 1, 05-02-02)



## CHATTANOOGA CITY CHARTER

### Sec. 11.25. Referendum.

No ordinance passed by the city council, except an ordinance which the public peace, health or safety shall require to take effect immediately and which shall contain a statement of such urgency and be passed by a vote of more than five (5) of the city council, shall go into effect before two (2) weeks from its final passage; and if, during said two (2) weeks a petition such as is hereinafter described to be filed with the city finance officer protesting against the passage of said ordinance, the same shall be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance; and if the same is not entirely repealed, the city finance officer shall transmit said petition with his certificate of the action of the city council thereon to the commissioners of election, whose duty it shall then be to submit said ordinance to a vote of the qualified voters of said city at a general election or a special election called for that purpose in like manner as provided in the second section of this Act [section 11.24 hereof], and said ordinance shall not go into effect or become operative unless a majority of the qualified voters voting upon the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the second section of this Act [section 11.24 hereof], but it shall be the duty of the said commissioners of election to examine and certify the same within said period of two (2) weeks. (Priv. Acts 1911, Ch. 15, § 3; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11272, § 1, 05-02-02)



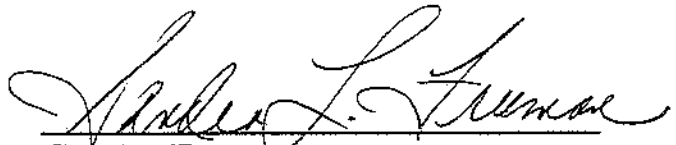
**Chattanooga Council**  
1000 Lindsay Street  
Chattanooga, Tennessee 37402  
Telephone (423) 643-7170 / Fax (423) 643-7199

*Sandra L. Freeman*  
Clerk of the Council

*Nicole S. Guyn, CMC*  
Deputy Clerk of the Council

## **NOTICE OF CERTIFICATION**

*I, Sandra L. Freeman, Clerk of the Chattanooga City Council of Chattanooga, Tennessee, and as such keeper of the records of the City Council of said City, do hereby certify that the attached is a true, compared and correct copy of the minutes of the meeting of the Chattanooga City Council of January 7, 2014.*

  
Sandra Freeman  
Clerk of the City Council  
City of Chattanooga, Tennessee

*WITNESS my hand and the Seal of the City of Chattanooga, Tennessee on this 1<sup>st</sup> day of July, 2014.*





City Council Building  
Chattanooga, Tennessee  
**COUNCIL MEETING MINUTES**  
January 7, 2014  
6:00 PM

## **CALL TO ORDER**

Chairman Yusuf Hakeem called the meeting to order with Vice Chairman Henderson and Councilpersons Carol Berz, Chris Anderson, Moses Freeman, Russell Gilbert, Larry Grohn, Jerry Mitchell and Ken Smith all present. City Attorney Wade Hinton, Management Analyst Randy Burns and Deputy Clerk Nicole Gwyn were also present.

## **PLEDGE OF ALLEGIANCE**

Vice Chairman Henderson led the assembly in the Pledge of Allegiance and invocation.

## **APPROVAL OF LAST MINUTES**

On motion of Councilman Anderson, the minutes of the last meeting (December 17, 2013) were approved as published.

## **DOMESTIC PARTNER ORDINANCE**

Attorney Hinton gave an update on the Domestic Partner Ordinance (No. 12781) that had recently been passed.

- The Hamilton County Election Commission has reviewed and certified 7,755 signatures to bring the ordinance to a referendum vote on the August 2014 ballot. The City Attorney's Office has reviewed the process and petition sheets submitted to the Commission. No defects were found that would prohibit the petitions from being accepted.
- There are two possible actions now that the Council must decide: (1) Repeal the ordinance, which would mean no further action taken by the Election Commission, or (2) "No action," meaning it will be on the August ballot.

Chairman Hakeem asked for a motion to reconsider the ordinance. Hearing no motion, Chairman Hakeem acknowledged no action taken by the Council.

**ORDINANCES – FIRST READING:**

**MR-2013-124**

**Jody Shea**

Move to deny by Councilman Freeman, seconded by Councilman Anderson,

**AN ORDINANCE CLOSING AND ABANDONING OF A PORTION  
OF 2500 SOUTH HAWTHORNE STREET.**

The Applicant was present and was aware of the motion to deny. Councilman Freeman noted that this zoning matter would come up again during the resolutions. A discussion ensued about the correlating resolution on tonight's agenda. Upon no further questions or comments, **the motion carried.**

**ACTION NOT PASSED**

**MR-2013-131**

**Marcus Jones**

Move to approve by Councilman Mitchell, seconded by Vice Chairman Henderson,

**ORDINANCE #12796**

**AN ORDINANCE CLOSING AND ABANDONING THE UNOPENED 1300 BLOCK  
OF AUBIN AVENUE BEGINNING AT THE SOUTHWEST CORNER OF LOT 1.**

**ACTION PASSED ON FIRST READING**

**MR-2013-150**

**John McDonald**

Move to deny by Councilman Mitchell, seconded by Councilman Anderson,

**AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED STREET  
LOCATED AT THE INTERSECTION OF DRUID LANE AND SCHOOL COURT.**

**ACTION NOT PASSED**

Move to approve by Councilwoman Berz, seconded by Councilman Mitchell,

**ORDINANCE #12797**

**AN ORDINANCE TO AMEND ORDINANCE NO. 12757 KNOWN AS "THE FISCAL  
YEAR 2013-2014 BUDGET ORDINANCE" SO AS TO APPROPRIATE \$50,000.00  
FROM THE GENERAL FUND CONTINGENCY TO THE CHATTANOOGA  
REGIONAL HOMELESS COALITION TO BE USED TO PROVIDE EMERGENCY  
NIGHT SHELTER FOR INDIVIDUALS AND FAMILIES DURING THE PERIOD  
JANUARY 1, 2014 THROUGH MARCH 31, 2014.**

**ACTION PASSED ON FIRST READING**

Move to approve by Councilman Smith, seconded by Councilman Mitchell,

**RESOLUTION #27768**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR AND, IF AWARDED, ACCEPT A "SAFE ROUTES TO SCHOOL" GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO PROVIDE A PEDESTRIAN LINK BETWEEN BIG RIDGE ELEMENTARY SCHOOL AND THE SIDEWALKS OF AREA SUBDIVISIONS AND TO THE NORTH CHICKAMAUGA CREEK GREENWAY TRAIL, IN THE AMOUNT OF \$250,000.00.**

Vice Chairman Henderson requested that the Council be informed about the outcomes from the three grant applications on tonight's agenda. Blythe Bailey, Transportation Administrator, indicated that his department would report back on the outcomes.

**ACTION: ADOPTED**

Move to approve by Councilman Gilbert, seconded by Councilman Grohn,

**RESOLUTION #27769**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR AND, IF AWARDED, ACCEPT A "SAFE ROUTES TO SCHOOL" GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) TO BUILD SIDEWALKS THAT LINK LAKESIDE ACADEMY SCHOOL TO RESIDENTIAL AND COMMERCIAL AREAS, EXTEND BIKE LANES TO THE SCHOOL, AND PROVIDE STUDENTS EDUCATION ABOUT HOW TO SAFELY WALK AND BIKE TO SCHOOL, IN THE AMOUNT OF \$250,000.00.**

**ACTION: ADOPTED**

Move to approve by Councilwoman Berz, seconded by Councilman Gilbert,

**RESOLUTION #27770**

**A RESOLUTION AUTHORIZING THE ADMINISTRATOR FOR THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR AND, IF AWARDED, ACCEPT A "SAFE ROUTES TO SCHOOL" GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR PEDESTRIAN AND BICYCLE FACILITIES LINKING WOODMORE ELEMENTARY SCHOOL WITH STUDENTS OF THE SURROUNDING NEIGHBORHOOD, IN THE AMOUNT OF \$250,000.00.**

Vice Chairman Henderson asked Mr. Bailey to report back to the Council on the outcome of the three grant awards.

**ACTION: ADOPTED**

Move to approve by Councilman Freeman, seconded by Councilman Anderson,

**RESOLUTION #27775**

A RESOLUTION AUTHORIZING JODY SHEA TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED BETWEEN 25<sup>TH</sup> AND 26<sup>TH</sup> STREET AND SOUTH HAWTHORNE STREET TO COMPLY WITH LANDSCAPE BUFFER REQUIREMENT TO BEAUTIFY THE NEIGHBORHOOD, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

**ACTION ADOPTED**

Move to approve by Councilman Grohn, seconded by Councilman Smith,

**RESOLUTION #27772**

A RESOLUTION APPROVING PAYMENT TO ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. FOR RENEWAL OF PROPERTY, EQUIPMENT, AND FLEET INSURANCE FOR 2014 FOR AN ANNUAL PREMIUM OF \$326,533.75.

**ACTION ADOPTED**

**DEPARTMENTAL REPORTS:**

**Purchases**

Brent Goldberg, Deputy Chief Operating Officer, briefed the Council on the following blanket purchases:

<b>R38533 - Public Works</b> Blanket Contract Extension for Rental Equipment Stowers Rental & Supply Company	Estimated \$12,000.00 Annually
<b>R52230 - Public Works</b> Blanket Contract Extension for Sodium Hypochlorite Lowest/Best Bidder: Brenntag Mid-South Inc.	Estimated \$300,000.00 Annually
<b>R49710 - Public Works</b> Blanket Contract Extension for Sewer Repair Services Lowest/Best Bidder: Mayse Const. Company	Estimated \$800,000.00 Annually
<b>R21027 - Public Works</b> Blanket Contract Spending Limit Increase for Boiler Maintenance & Repair Alpha Boiler Systems	Estimated \$40,000.00 Annually

On motion of Councilman Anderson, the above-listed blanket contract purchases were approved.

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On motion of Councilman Freeman, the following emergency purchase was signed in open meeting by Madeline Green, Director of Insurance & Risk Management, on behalf of Human Resources Administrator Todd Dockery:

<b>R86944 - Human Resources</b>	<b>\$242,832.72</b>
Emergency Purchase for Medication & Supply Items	
Lowest/Best Bidder: On-Site RX	

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On motion of Councilman Freeman, the following emergency purchase was signed in open meeting by Fire Chief Lamar Flint:

<b>R87825 - Fire Department</b>	<b>\$17,090.64</b>
Emergency Purchase Mold Remediation	
Lowest/Best Bidder: Rainbow International Restoration	

**ACTION: ALL PURCHASES APPROVED**

#### **OTHER BUSINESS:**

##### **Board Appointment**

On motion of Councilman Mitchell, Less Lee was nominated as Council representative on the *Fire & Police Pension Board*. A discussion ensued, wherein Travis McDonough, Chief of Staff, briefly discussed the function of the Council's appointee on this board and the charter-specified criteria for the Council's appointee.

#### **COMMITTEE REPORTS:**

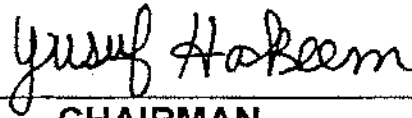
*Economic and Community Development Committee*  
Councilman Anderson  
(No report)

*Budget and Finance Committee*  
Councilwoman Berz

- There are several Budgeting for Outcomes Training sessions for staff and agencies this week: two trainings on Wednesday, Jan. 8, and one on Thursday, Jan. 9.

## ADJOURNMENT

On motion of Councilman Anderson, the meeting of the Chattanooga City Council was adjourned until Tuesday, January 14, 2014, at 6:00 p.m.

  
\_\_\_\_\_

CHAIRMAN

  
\_\_\_\_\_

CLERK OF COUNCIL

(A full digital audio of this Council meeting has been  
filed in the Clerk of the Council's office)

**SAMPLE BALLOT**  
**STATE OF TENNESSEE, HAMILTON COUNTY**  
 August 7, 2014

**NOTICE TO VOTERS:**

TO VOTE: You must darken the oval to the left of your choice(s) ☐ completely. **DO NOT CROSS OUT OVALS YOU HAVE ALREADY MARKED.**  
 To cast a WRITE-IN VOTE, you must darken the oval completely, AND WRITE THE NAME of your candidate on the line provided.

**HAMILTON COUNTY GENERAL & MUNICIPAL ELECTION**

<b>Hamilton County General</b>	<b>County Commission, District 7</b> Vote for One (1)	<b>School Board, District 5</b> Vote for One (1)
<b>Circuit Court Judge, Div. 1</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Sabrina Turner REP <input type="radio"/> Sara Mazer DEM <input type="radio"/> Write-in _____	<input type="radio"/> Jackie Anderson-Thomast <input type="radio"/> Richard K. Bennett <input type="radio"/> Samuel E. Bukemore
<input type="radio"/> J.B. Bennett REP <input type="radio"/> Write-in _____	<b>County Commission, District 8</b> Vote for One (1)	<input type="radio"/> Patrick D. Hampton <input type="radio"/> Kaitia Mosley <input type="radio"/> Cynthia Stanley-Cash <input type="radio"/> Yashika Ward <input type="radio"/> Write-in _____
<b>Circuit Court Judge, Div. 2</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Tim Boyd REP <input type="radio"/> Nancy Smith DEM <input type="radio"/> Write-in _____	
<input type="radio"/> Jeff Hollingsworth REP <input type="radio"/> Write-in _____	<b>County Commission, District 9</b> Vote for One (1)	<b>School Board, District 6</b> Vote for One (1)
<b>Circuit Court Judge, Div. 3</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Chester Beniston REP <input type="radio"/> Melissa Bone DEM <input type="radio"/> Write-in _____	<input type="radio"/> Oscar Brock <input type="radio"/> Joe C. Galloway <input type="radio"/> O. Ballard Searce, Jr. <input type="radio"/> Write-in _____
<input type="radio"/> L. Marie Wilkins REP <input type="radio"/> Write-in _____	<b>County Trustee</b> Vote for One (1)	<b>School Board, District 8</b> Vote for One (1)
<b>Circuit Court Judge, Div. 4</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Bill Hultner REP <input type="radio"/> Write-in _____	<input type="radio"/> Sarnevelyn Morgan-Rick <input type="radio"/> David Testerman <input type="radio"/> Write-in _____
<input type="radio"/> W. Neil Thomas II REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 1</b> Vote for One (1)	<b>School Board, District 9</b> Vote for One (1)
<b>Chancellor, Part 1</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Christophe Mohr Sell <input type="radio"/> Rex Sparks <input type="radio"/> Write-in _____	<input type="radio"/> Karen Farrow <input type="radio"/> Steve Highlander <input type="radio"/> Larry Lewis <input type="radio"/> Dean Moonhouse <input type="radio"/> Tim White <input type="radio"/> Write-in _____
<input type="radio"/> Pam Mohr-Rector REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 2</b> Vote for One (1)	
<b>Chancellor, Part 2</b> 11th Judicial District Vote for One (1)	<input type="radio"/> David E. Bales <input type="radio"/> Write-in _____	<b>City of Collegedale Municipal</b>
<input type="radio"/> Jeffrey M. Altherton REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 3</b> Vote for One (1)	<b>City of Collegedale Judge</b> Vote for One (1)
<b>Criminal Court Judge, Div. 1</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Clarence Shatuck <input type="radio"/> Write-in _____	<input type="radio"/> Harry W. Alder II <input type="radio"/> Kevin B. Wilson <input type="radio"/> Write-in _____
<input type="radio"/> Barry Steelman REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 4</b> Vote for One (1)	<b>City of East Ridge Municipal</b>
<b>Criminal Court Judge, Div. 2</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Ula Stubbart <input type="radio"/> Write-in _____	<b>City of East Ridge Judge</b> Vote for One (1)
<input type="radio"/> Rebecca J. Stern REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 5</b> Vote for One (1)	<input type="radio"/> Ryan Nardoff <input type="radio"/> Chris Helton <input type="radio"/> Anna Raingold <input type="radio"/> Write-in _____
<b>Criminal Court Judge, Div. 3</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Gary Sames <input type="radio"/> Write-in _____	<b>City of East Ridge Court Clerk</b> Vote for One (1)
<input type="radio"/> Don W. Probst DEM <input type="radio"/> Write-in _____	<b>Juvenile Court Judge</b> Vote for One (1)	<input type="radio"/> Patricia E. Cassidy <input type="radio"/> Richard (Duffy) Owens <input type="radio"/> Write-in _____
<b>District Attorney</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Rob Philpott REP <input type="radio"/> Yolanda Echols-Mahall DEM <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain Municipal</b>
<input type="radio"/> Neal Pinckson REP <input type="radio"/> Write-in _____	<b>Sheriff</b> Vote for One (1)	<b>Town of Lookout Mountain Commissioner</b> Vote for Five (5)
<b>Public Defender</b> 11th Judicial District Vote for One (1)	<input type="radio"/> Jim Hammond REP <input type="radio"/> Write-in _____	<input type="radio"/> James E. Bentley, Jr. <input type="radio"/> Walter Jones <input type="radio"/> Ernie Minges <input type="radio"/> Carol Mutter <input type="radio"/> Brooke Poppenger <input type="radio"/> Don Sorett <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____
<input type="radio"/> Steven S. Smith REP <input type="radio"/> Andrea Garb DEM <input type="radio"/> Write-in _____	<b>Circuit Court Clerk</b> Vote for One (1)	
<b>County Mayor</b> Vote for One (1)	<input type="radio"/> Larry L. Henry REP <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain Judge</b> Vote for One (1)
<input type="radio"/> Jim Coppinger REP <input type="radio"/> Richard D. Ford IND <input type="radio"/> Write-in _____	<b>Criminal Court Clerk</b> Vote for One (1)	<input type="radio"/> John Hyggason, Jr. <input type="radio"/> Write-in _____
<b>County Commission, District 1</b> Vote for One (1)	<input type="radio"/> Vince Dean REP <input type="radio"/> Gwen Tisdell DEM <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain School Board</b> Vote for Three (3)
<input type="radio"/> Nancy Fairbanks REP <input type="radio"/> Write-in _____	<b>Juvenile Court Clerk</b> Vote for One (1)	<input type="radio"/> James M. Haley, IV <input type="radio"/> Sherry M. Pollock <input type="radio"/> Susan Probstacco <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____
<b>County Commission, District 2</b> Vote for One (1)	<input type="radio"/> Gary D. Behler REP <input type="radio"/> Write-in _____	
<input type="radio"/> James A. "Jim" Fields REP <input type="radio"/> Write-in _____	<b>County Clerk</b> Vote for One (1)	
<b>County Commission, District 3</b> Vote for One (1)	<input type="radio"/> W.F. "Bert" Knowles REP <input type="radio"/> Write-in _____	
<input type="radio"/> Marty Haynes REP <input type="radio"/> Write-in _____	<b>Register of Deeds</b> Vote for One (1)	
<b>County Commission, District 4</b> Vote for One (1)	<input type="radio"/> Pam Hurst REP <input type="radio"/> Write-in _____	
<input type="radio"/> Warren Mackey DEM <input type="radio"/> Write-in _____	<b>School Board, District 3</b> Vote for One (1)	
<b>County Commission, District 5</b> Vote for One (1)	<input type="radio"/> Greg Martin <input type="radio"/> Jim Watson <input type="radio"/> Write-in _____	
<input type="radio"/> Greg Beck DEM <input type="radio"/> Write-in _____		
<b>County Commission, District 6</b> Vote for One (1)		
<input type="radio"/> Joseph "Joe" Graham REP <input type="radio"/> John Allen Brooks DEM <input type="radio"/> Write-in _____		



City of Rankin Municipal	<input type="radio"/> Retain <input type="radio"/> Replace
City of Rankin Judge Vote for One (1) <input type="radio"/> Johnny Houston <input type="radio"/> Write-in _____	Shall Robert W. Wiedemeyer be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
Town of Signal Mountain Municipal Town of Signal Mountain Judge Vote for One (1) <input type="radio"/> Mark Rothberger <input type="radio"/> Write-in _____	Shall Thomas L. Woodall be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
City of Soddy Daisy Municipal City of Soddy Daisy Judge Vote for One (1) <input type="radio"/> D. Mary Lasley <input type="radio"/> Write-in _____	Shall Alan Glenn be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
State General Judicial Retention Questions Vote Retain or Replace	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Candice A. (Country) Clark be retained or replaced in office as Judge of the Supreme Court?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Sharon Gail Lee be retained or replaced in office as Judge of the Supreme Court?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Gary R. Wade be retained or replaced in office as Judge of the Supreme Court?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Thomas "Skip" Emerson be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall John W. McClary be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Charles Gustard be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Michael Swiney be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Andy O. Bennett be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Frank Clement be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Richard Dinkins be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Ned McBrayer be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Holly Kirby be retained or replaced in office as Judge of the Court of Appeals, Western Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Steve Stafford be retained or replaced in office as Judge of the Court of Appeals, Western Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Norma McGee Ogle be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall D. Kelly Thomas, Jr. be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace
Shall James C. Witt, Jr. be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	<input type="radio"/> Retain <input type="radio"/> Replace

# City of Chattanooga Municipal

## ORDINANCE NO. 12781 (Summary)

Shall Ordinance No. 12781 go into effect or become operative to amend the City Code of the City of Chattanooga so as to (1) ensure that City employees who are afforded equal protection against harassment and discrimination because of ethnicity, sexual orientation, gender identity and gender expression; and (2) provide certain medical and leave benefits to a qualified domestic partner of City employees? A qualified domestic partner is a person who cohabitates with the employee, with the City employee for at least 365 days; the City employee and domestic partner are in a non-physical and committed relationship of mutual caring; neither the City employee nor the domestic partner has a spouse (as recognized under Tennessee law); the City employee and domestic partner have joint financial and social responsibilities; and (3) the City employee and domestic partner are not related to a degree of kinship that would otherwise prevent marriage under Tennessee law. A referendum on this ordinance is required pursuant to Section 11.25 of the Chattanooga City Charter.

## CERTIFICATION OF THE CHIEF FINANCE OFFICER

The proposed amendment shall not have a material impact upon the City's finances.

DAISY W. MADISON  
City Finance Officer

☐ For the Amended Ordinance  
☐ Against the Amended Ordinance

Tre Hargett, Secretary of State  
State of Tennessee



Division of Elections  
312 Rosa L. Parks Avenue, 7<sup>th</sup> Floor  
Nashville, Tennessee 37243-0305

Mark Goins  
Coordinator

615-741-7956  
Mark.Goins@tn.gov

June 26, 2014

Kerry Steelman, Administrator of Elections  
Hamilton County Election Commission  
700 River Terminal Road  
Chattanooga, TN 37406-1736

RE: Ballot Language for Referendum Challenging City of Chattanooga Ordinance No. 12781

Dear Kerry,

The attached ballot language regarding the referendum on Ordinance No. 12781 for the City of Chattanooga (City) has been reviewed by this office and found to be the same language as what is found on the initiating petition. Pursuant to T.C.A. § 2-5-151(b)(1) and (e)(1), the petition which called for the referendum on the approval of Ordinance No. 12781, included the full text of the question to appear on the ballot.

The requirement for a summary of the question by the city attorney found in T.C.A. § 2-5-208(f)(2) only applies when the full statement of a question is more than three hundred (300) words in length. However, T.C.A. § 2-5-151 requires the petitioners to formulate the question to be used in the referendum, and in this situation, the question formulated contains less than three hundred (300) words. Therefore, the Hamilton County Election Commission (election commission) must print on the ballots the question as it appears on the initiating petition filed pursuant to T.C.A. § 2-5-151.

You will note that the approved ballot language does not include the certified statement by the City's chief financial officer. Pursuant to T.C.A. § 6-53-105(c), "on any ballot on which an amendment to the charter of a home rule municipality appears for approval or disapproval by the electorate, a statement certified by the chief financial officer of the municipality shall appear immediately after the language describing the amendment but before the questions For the amendment and Against the amendment."

The question regarding the approval or disapproval of Ordinance No. 12781 does not involve an amendment to the home rule charter for the City. Thus, the statement by the chief financial officer would not be included.

The City of Chattanooga Charter § 11.25 requires the city finance officer to provide a certificate of the city council's action when transmitting the petition which challenges Ordinance No. 12781 to the county election commission. However, this requirement does not reflect a certified

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statement as to the chief financial officer's estimate of the net cost savings, net cost increase, or net increase or decrease in revenues, on a yearly basis.

Furthermore, the City of Chattanooga Charter § 11.24 specifically states that "the ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance)." This charter provision which describes the ballot language does not require the statement by the chief financial officer.

In light of the fact that the chief financial officer's statement only applies in the case of a charter amendment and the fact that the City of Chattanooga Charter § 11.24 does not include this requirement, the election commission does not place such statement on the referendum ballot.

I hope this information proves to be helpful. If you have further questions regarding the referendum process, do not hesitate to contact me.

Sincerely,

*Mark Goins*

Mark Goins

Coordinator of Elections

**Chris Clem [cclem@sampleslaw.com]**

Actions

To: Hinton Wade %E2%80%8E; Noblett Phil

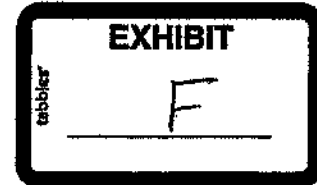
Cc: Steve Duggins %E2%80%8E[SDuggins@sdblawf...  
 %E2%80%8E;mark.goins@tn.gov%E2%80%8E; be.  
 %E2%80%8E;Steelman, Kerry (KerryS@HamiltonT..

Attachments: %E2%80%8E(2)%E2%80%8E

Download all attachments

1408 General Sample.pdf%E2%80%8E (273  
 KB%E2%80%8E) %E2%80%8E[Open as Web  
 Page%E2%80%8E]; Chattanooga-petition

Wednesday, June 25, 2014 2:29 PM



Wade:

Yes, the Hamilton County Election Commission routinely asks any municipal attorney to approve and review the ballot if that city or town has items on the ballot. I have not seen the exact request by the staff of the Hamilton County Election Commission.

I do know that in response your office gave us a summary and question to be placed on the ballot regarding the repeal of the amended ordinance 12781.

I don't think anyone at the City attorney's office or the election commission intentionally did anything wrong.

The election commission then met on June 11<sup>th</sup> and approved the ballot (see attached). The approval included the language that your office had drafted.

Steve Duggins represents the Petitioners who drafted and obtained the necessary number of signatures to place this on the ballot. He and his clients recently noticed that the ballot did not appear to comply with T.C.A. 2-5-151 which appears to require that the "question" on the ballot be exactly what was on the petition.

So, the election commission immediately called the state election office this morning. The state election office agreed with Steve Duggins. So, the Hamilton County Election Commission has called an emergency meeting for this Friday morning, June 27, at 8 a.m.

I believe the intent will be to clear up exactly what wording should be on the ballot for the repeal or not to repeal this ordinance.

I have copied Steve Duggins on this email. I have also copied the state election office and the election attorney (Rheubin Taylor).

I am not the election attorney. I am one of five election commissioners. I only speak on behalf of myself. But, I would hope that we can all come to agreement as soon as possible as to the wording of the ballot as applying 2-5-151.

The election commission really needs to get this ballot to the printer by Friday afternoon. And, the election commission hopes to avoid a future lawsuit.

I can speak on behalf of myself, but I would be tickled pink if you, Rheubin Taylor and Steve Duggins could come to the meeting on Friday in agreement with how this wording should be printed on the ballot.

---

Chris Clem, Esq.  
Samples, Jennings, Ray & Clem, PLLC  
130 Jordan Drive  
Chattanooga, Tennessee 37421  
Phone: (423) 892-2006  
Fax: (423) 892-1919  
Email: [cclem@sampleslaw.com](mailto:cclem@sampleslaw.com)

**SAMPLE BALLOT**  
**STATE OF TENNESSEE, HAMILTON COUNTY**  
 August 7, 2014

**NOTICE TO VOTERS:**

**TO VOTE:** You must darken the oval to the left of your choice(s) ☐ completely. **DO NOT CROSS OUT OVALS YOU HAVE ALREADY MARKED.**  
 To cast a **WRITEN VOTE**, you must darken the oval completely, AND WRITE THE NAME of your candidate on the line provided.

**HAMILTON COUNTY GENERAL & MUNICIPAL ELECTION**

Hamilton County General	County Commission, District 7 Vote for One (1)	School Board, District 5 Vote for One (1)
<b>Circuit Court Judge, Div. 1 11th Judicial District Vote for One (1)</b>	Sabrina Turner REP	Andrew Anderson-Thomson
J.B. Bennett REP	Sara Maize DEM	Richard A. Bennett
Write-in _____	Write-in _____	Samuel E. Savemore
<b>Circuit Court Judge, Div. 2 11th Judicial District Vote for One (1)</b>	<b>County Commission, District 8 Vote for One (1)</b>	Patrick D. Hampton
Jeff Holmgren REP	Tim Boyd REP	Krista Mosley
Write-in _____	Kerry Smith DEM	Cynthia Stanley-Carr
<b>Circuit Court Judge, Div. 3 11th Judicial District Vote for One (1)</b>	Write-in _____	Yoshika Ward
L. Marie Williams REP	<b>County Commission, District 9 Vote for One (1)</b>	Write-in _____
Write-in _____	Christopher Berkston REP	<b>School Board, District 6 Vote for One (1)</b>
<b>Circuit Court Judge, Div. 4 11th Judicial District Vote for One (1)</b>	Marissa Bous DEM	Clair Brock
William Thomas H. REP	Write-in _____	Joe C. Galloway
Write-in _____	<b>County Trustee Vote for One (1)</b>	C. Sanford Squires Jr.
<b>Chancellor, Part 1 11th Judicial District Vote for One (1)</b>	Bill Mulhender REP	Write-in _____
Pam Mollat Flierler REP	Write-in _____	<b>School Board, District 8 Vote for One (1)</b>
Write-in _____	<b>General Sessions Court Judge, Division 1 Vote for One (1)</b>	Sarahelyn Morgan-Robb
<b>Chancellor, Part 2 11th Judicial District Vote for One (1)</b>	Christie Mann Set	Doris Testerman
Jeffrey M. Anderson REP	Rea Sparks	Write-in _____
Write-in _____	Write-in _____	<b>School Board, District 9 Vote for One (1)</b>
<b>Criminal Court Judge, Div. 1 11th Judicial District Vote for One (1)</b>	<b>General Sessions Court Judge, Division 2 Vote for One (1)</b>	Karen Farnow
Barry Steinman REP	David E. Sabet	Steve Highlander
Write-in _____	Write-in _____	Larry Jones
<b>Criminal Court Judge, Div. 2 11th Judicial District Vote for One (1)</b>	<b>General Sessions Court Judge, Division 3 Vote for One (1)</b>	Dean McCormick
Rebecca J. Starr REP	Clarence Strubba	Tim White
Write-in _____	Write-in _____	Write-in _____
<b>Criminal Court Judge, Div. 3 11th Judicial District Vote for One (1)</b>	<b>General Sessions Court Judge, Division 4 Vote for One (1)</b>	<b>City of Collegedale Municipal City of Collegedale Judge Vote for One (1)</b>
Don W. Foster DEM	Write-in _____	Harry W. Miller II
Write-in _____	Lisa Stator	Kevin A. Wilson
<b>District Attorney 11th Judicial District Vote for One (1)</b>	Write-in _____	Write-in _____
Neal Praxton REP	<b>General Sessions Court Judge, Division 5 Vote for One (1)</b>	<b>City of East Ridge Municipal City of East Ridge Judge Vote for One (1)</b>
Write-in _____	Gary Sames	Arnell Hanzel
<b>Public Defender 11th Judicial District Vote for One (1)</b>	Write-in _____	Coli Hester
Steven E. Smith REP	<b>Juvenile Court Judge Vote for One (1)</b>	Arnell Hester
Arsena Galt DEM	Rob Polgrew REP	Write-in _____
Write-in _____	Valencia Escobar-Michael DEM	<b>City of East Ridge Court Clerk Vote for One (1)</b>
<b>County Mayor Vote for One (1)</b>	Write-in _____	Patricia E. Cassidy
Jim Cassinger REP	<b>Sheriff Vote for One (1)</b>	Richard Quibby Owens
Richard C. Ford IND	Jon Hammond REP	Write-in _____
Write-in _____	Write-in _____	<b>Town of Lookout Mountain Municipal</b>
<b>County Commission, District 1 Vote for One (1)</b>	<b>Circuit Court Clerk Vote for One (1)</b>	<b>Town of Lookout Mountain Commissioner Vote for Five (5)</b>
Randy Pabst REP	Larry J. Henry REP	James E. Berkey, Jr.
Write-in _____	Write-in _____	Walker Jones
<b>County Commission, District 2 Vote for One (1)</b>	<b>Criminal Court Clerk Vote for One (1)</b>	Ernie Mayes
James A. "Jim" Farris REP	Vince Dean REP	Carol Muter
Write-in _____	Gwen Treack DEM	Brooks Pidgeon
<b>County Commission, District 3 Vote for One (1)</b>	Write-in _____	Don Stines
Matthew Hayes REP	<b>Juvenile Court Clerk Vote for One (1)</b>	Write-in _____
Write-in _____	Gary D. Berkey REP	Write-in _____
<b>County Commission, District 4 Vote for One (1)</b>	Write-in _____	Write-in _____
Warren Mackey DEM	<b>County Clerk Vote for One (1)</b>	<b>Town of Lookout Mountain Judge Vote for One (1)</b>
Write-in _____	W.F. "B" Anselms REP	John Heggason, Jr.
<b>County Commission, District 5 Vote for One (1)</b>	Write-in _____	Write-in _____
Greg Seck DEM	<b>Register of Deeds Vote for One (1)</b>	<b>Town of Lookout Mountain School Board Vote for Three (3)</b>
Write-in _____	Ram Hunt REP	James M. Haley, II
<b>County Commission, District 6 Vote for One (1)</b>	Write-in _____	Scotty M. Polgrew
Joseph "Joe" Graham REP	<b>School Board, District 3 Vote for One (1)</b>	Susan Probasco
John Allen Brooks DEM	Write-in _____	Write-in _____
Write-in _____	Greg Martin	Write-in _____
	Jim Walcott	
	Write-in _____	



City of R ... ank Municipal	Shall Jeffrey S. Biers be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
Retain	Replace
City of ... ank Judge Vote for One (1)	Replace
Johnny Housler	Shall Robert W. Westmeyer be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
Retain	Replace
Town of Signal Mountain Municipal	Retain
Replace	
Town of Signal Mountain Judge Vote for One (1)	Shall Thomas T. Woodall be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
Mark Ronsberger	Retain
Winston	Replace
City of Soddy Daisy Municipal	Shall Alan Glenn be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
Retain	Replace
City of Soddy Daisy Judge Vote for One (1)	Retain
Replace	
Q. Mary J. Jody	Shall Camille R. McMullen be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
Winston	Retain
State General Judicial Retention Questions Vote Retain or Replace	Replace
Shall Camelia A. (Conce) Clark be retained or replaced in office as Judge of the Supreme Court?	Shall Roger A. Page be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
Retain	Retain
Replace	Replace
Shall Sharon Gail Lee be retained or replaced in office as Judge of the Supreme Court?	Shall John Everett Williams be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
Retain	Retain
Replace	Replace
Shall Gary R. Wade be retained or replaced in office as Judge of the Supreme Court?	
Retain	City of Chattanooga Municipal
Replace	Shall the City of Chattanooga's "domestic partnership" ordinance (Ordinance No. 12761) be adopted?
Shall Thomas "Skip" Fritts be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	For the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy.
Retain	Against the Ordinance providing for the extension of benefits in domestic partnerships and adding sexual orientation, gender identity and gender expression to the city's nondiscrimination policy.
Replace	
Shall John W. McClarity be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	
Retain	
Replace	
Shall Charles Susano be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	
Retain	
Replace	
Shall Michael Swiney be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	
Retain	
Replace	
Shall Andy D. Bennett be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
Retain	
Replace	
Shall Frank Clement be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
Retain	
Replace	
Shall Richard Divins be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
Retain	
Replace	
Shall Neal McKinney be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
Retain	
Replace	
Shall Holly Kirby be retained or replaced in office as Judge of the Court of Appeals, Western Division?	
Retain	
Replace	
Shall Steve Stafford be retained or replaced in office as Judge of the Court of Appeals, Western Division?	
Retain	
Replace	
Shall Kiana McGee Ogle be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	
Retain	
Replace	
Shall D. Kelly Thomas, Jr. be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	
Retain	
Replace	
Shall James C. Witt, Jr. be retained or replaced in office as Judge of the Court of Criminal Appeals, Eastern Division?	
Retain	
Replace	



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Primary & County  
General & Municipal  
Election Sample  
Ballot**

**August 7th  
Republican State  
Primary & County  
General & Municipal  
Election Sample  
Ballot**

**Full Language of the Domestic Partnership Ordinance that  
is on the August Ballots can be read [here](#).**

**August 7th General County General &  
Municipal Election Sample Ballot**

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