



promoted to Sergeant. In 2008 she was promoted to Lieutenant. She also served as an Internal Affairs Investigator from 2002-07.

3. Plaintiff Robin Smith (“Mrs. Smith”) is the domestic partner of Lt. Cooper as contemplated by the Nondiscrimination Ordinance and would be entitled to certain rights and benefits pursuant to said ordinance. Mrs. Smith resides in the City of Chattanooga in Hamilton County, Tennessee and is a registered voter.

4. The Hamilton County Election Commission (“Election Commission”) serves as the County Election Commission for Hamilton County, Tennessee, pursuant to T.C.A. § 2-12-101 *et seq.*

#### **JURISDICTION AND VENUE**

5. The Court has jurisdiction pursuant to T.C.A. § 16-10-101 and § 29-14-102.

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

#### **FACTS**

7. On November 19, 2013, the City Council of Chattanooga, Tennessee adopted, on second reading, the Nondiscrimination Ordinance.

8. A certified copy of the Nondiscrimination Ordinance is attached hereto as Exhibit “A”.

9. The Nondiscrimination Ordinance revised and added to the Chattanooga City Code relative to domestic partnerships and the City’s nondiscrimination policy.

10. 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.

11. 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. The ordinance also provides for family-leave benefits to allow City employees to care for domestic partners suffering from serious health problems.

12. The Nondiscrimination Ordinance was to take effect at the beginning of the City's 2014 renewal period of the City's employee health insurance program.

13. On a date uncertain after the City Council adopted the Nondiscrimination Ordinance, a proposed petition for referendum was filed with the Hamilton County Election Commission protesting the Nondiscrimination Ordinance and seeking a referendum on the adoption of the Nondiscrimination Ordinance.

14. On November 20, 2013, the Hamilton County Election Commission approved the form of the proposed petition for referendum.

15. The petition for referendum that was approved by the Hamilton County Election Commission included the following question and suggested answers: "Shall the City of Chattanooga's 'domestic partnership' ordinance (Ordinance No. 12781) be adopted?"

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

16. Neither the question nor the answers give adequate notice of the ordinance being voted on or give the voters sufficient information to enable them to cast their vote intelligently and with knowledge of the consequences thereof.

17. 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.

18. On June 12, 2013, pursuant to T.C.A. § 2-5-208(f)(2), the City Attorney of the City of Chattanooga 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.

19. 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.

20. Attached hereto as Exhibit "B" is a true and correct copy of the sample ballot for the Hamilton County General & Municipal Election showing the ballot question as submitted by the City Attorney of the City of Chattanooga and initially adopted by the Hamilton County Election Commission.

21. On June 27, 2014, the Hamilton County Election Commission held a special meeting to change the ballot question relating to the adoption of the Nondiscrimination Ordinance.

22. The Hamilton County Election Commission failed to give adequate public notice of its June 27, 2014 special meeting.

23. The Hamilton County Election Commission failed to give adequate public notice of the agenda for its June 27, 2014 special meeting.

24. At its June 27, 2014 special meeting, the Hamilton County Election Commission rejected the ballot question supplied by the City Attorney of the City of Chattanooga and adopted the following ballot question and answers: "Shall the City of Chattanooga's 'domestic partnership' ordinance (Ordinance No. 12781) be adopted?"

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

25. Attached hereto as Exhibit "C" is a true and correct copy of the sample ballot for 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.

COUNT ONE  
INVALID BALLOT QUESTION

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

27. The Charter of the City of Chattanooga (“City Charter”) provides that when, as here, a petition is filed protesting the passage of an ordinance, the ordinance must be submitted to the voters in its entirety without alteration.

28. Specifically, Section 11.25 of the City Charter provides that,

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. (emphasis added)

29. Section 11.24 of the City Charter further provides that “**said ordinance shall be submitted without alteration** to the vote of the qualified voters of said city.” (emphasis added)

30. Upon information and belief, the Hamilton County Election Commission improperly relied on T.C.A. § 2-5-151 in rejecting the ballot language supplied by the City Attorney and adopting the language from the petition for referendum.

31. T.C.A. § 2-5-151 provides procedures for petitions for recalls, referenda or initiatives but does not address ballot questions. Nor does T.C.A. § 2-5-151 preempt City Charter Sections 11.25 and 11.24 requirements that the ordinance be submitted to a vote in its entirety without alteration.

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

33. T.C.A. § 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 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.** (emphasis added).

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

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

36. The City Attorney's summary of the question gave adequate notice of the ordinance being voted on and gave the voters sufficient information to enable them to cast their vote intelligently, knowing the consequences thereof.

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

38. Accordingly, the Hamilton County Election Commission initially adopted the City Attorney's summary of the question.

39. Then, without adequate notice to the public, the Hamilton County Election Commission held its June 27, 2014 special meeting. During that meeting, the Hamilton County Election Commission rejected the ballot language supplied by the City Attorney in direct violation of the City Charter and T.C.A. § 2-5-208(f)(2).

40. The ballot question adopted by the Hamilton County Election Commission does not give adequate notice of the ordinance being voted on; does not give voters sufficient information to enable them to cast their vote intelligently with knowledge of the consequences thereof, and; is not written in a clear and coherent manner using words with common everyday meanings.

COUNT TWO  
INVALID BALLOT ANSWERS

41. Plaintiffs reallege and incorporate Paragraphs 1 to 40 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein.

42. T.C.A. § 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.

43. In violation of T.C.A. § 2-5-208(f)(1), the Hamilton County Election Commission adopted “answers” to the ballot question that did not consist of only the words “Yes” and “No,” but consisted of confusing language that misrepresented the effect of the Nondiscrimination Ordinance if adopted.

COUNT THREE  
VIOLATION OF THE TENNESSEE OPEN MEETINGS ACT

44. Plaintiffs reallege and incorporate Paragraphs 1 to 43 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein.

45. T.C.A. § 8-44-102(a) provides: “All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.”

46. T.C.A. § 8-44-103(b) provides: “NOTICE OF SPECIAL MEETINGS. Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or



resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.”

47. In violation of T.C.A. § 8-44-101 *et seq.*, the Hamilton County Election Commission knowingly held a special meeting, discussed official business, and voted on official business without complying with the adequate public notice requirements set forth in the statute and as interpreted by the Tennessee Courts.

COUNT FOUR  
INJUNCTIVE RELIEF

48. Plaintiffs reallege and incorporate Paragraphs 1 to 47 of this Complaint for Declaratory Judgment and Injunctive Relief as if fully restated herein

49. Plaintiffs move this Court to issue a temporary restraining order, preliminary injunction, and permanent injunction pursuant to Rule 65 of the *Tennessee Rules of Civil Procedure*, and in support thereof state as follows:

50. As stated in this Verified Complaint, early voting begins on July 18, 2014. Upon information and belief, Defendant intends to publish, print, and/or otherwise disseminate the illegal ballots related to the City of Chattanooga’s Nondiscrimination Ordinance before a hearing or final judgment in this action can occur;

51. The current language on the ballot is illegal in that it is in direct violation of the City Charter and state law. This language was also adopted in direct violation of the Open Meetings Act. Furthermore, the language does not give voters sufficient information to enable them to cast their vote intelligently, knowing the consequences thereof.

52. As a result, Plaintiffs’ 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.

53. Also as a result, Plaintiffs 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.

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

55. Wherefore, Plaintiffs move the court to issue 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.

#### RELIEF SOUGHT

WHEREFORE, Plaintiffs pray 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;
2. That a temporary restraining order be issued to enjoin the Hamilton County Election Commission from publishing, printing, or otherwise disseminating ballots related to the City of Chattanooga's Nondiscrimination Ordinance until this action has been concluded;
3. That a preliminary injunction be entered to enjoin the Hamilton County Election Commission from publishing, printing, or otherwise

disseminating ballots related to the City of Chattanooga's Nondiscrimination Ordinance 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 this Court issue a declaratory judgment that the June 27, 2014, special meeting of the Hamilton County Election Commission violated T.C.A. § 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, alternatively, this Court issue a writ of mandamus pursuant to T.C.A. § 29-25-101 *et seq.* requiring the Hamilton County Election Commission to use the ballot question submitted by the City Attorney of the City of

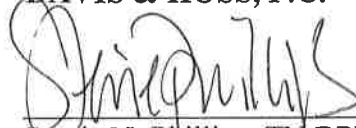
Chattanooga on the Hamilton County ballots for the City of Chattanooga  
and that the answers be, "Yes" or "No";

10. That the Plaintiffs be awarded their attorneys' fees and costs in this cause;  
and
11. That the Plaintiffs are entitled to such other and further relief as the equity  
and justice of this cause may require.

**THIS IS THE PLAINTIFFS' FIRST APPLICATION FOR INJUNCTIVE RELIEF.**

Respectfully submitted,

**DAVIS & HOSS, P.C.**



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Stevie N. Phillips, TN BPR# 027467  
508 E. 5<sup>th</sup> Street  
Chattanooga, TN 37403  
423-266-0605  
423-266-0687 Fax

VERIFICATION OF COMPLAINT

Corliss A Cooper, the first 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 that, so far as they are therein stated to be on information, she believes them to be true.

Sworn to and subscribed before me  
this 30th day of June, 2014.

Amanda Bartolameo  
NOTARY PUBLIC  
My Commission Expires: 9/22/15



[Signature], the second 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 that, so far as they are therein stated to be on information, she believes them to be true.

Sworn to and subscribed before me  
this 30th day of June, 2014.

Amanda Bartolameo  
NOTARY PUBLIC  
My Commission Expires: 9/22/15





## 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. Gwyn, 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.

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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:

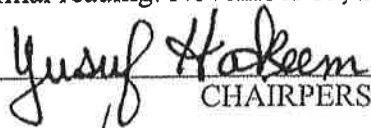
**Sec. 2-153.1 Severability.**

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.

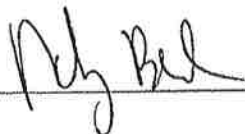
SECTION 8. That the provisions of this Ordinance are not intended to create any contractual rights between the City and its employees.

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

**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**

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> <input type="radio"/> J.B. Bennett REP <input type="radio"/> Write-in _____	<input type="radio"/> Sabrina Turner REP <input type="radio"/> Ezra Maize DEM <input type="radio"/> Write-in _____	<input type="radio"/> Jackie Anderson-Thomas <input type="radio"/> Richard K. Bennett <input type="radio"/> Samuel E. Blakemore <input type="radio"/> Patrick D. Hampton <input type="radio"/> Karisa Mosley <input type="radio"/> Cynthia Stanley-Cash <input type="radio"/> Yashika Ward <input type="radio"/> Write-in _____
<b>Circuit Court Judge, Div. 2 11th Judicial District Vote for One (1)</b> <input type="radio"/> Jeff Hollingsworth REP <input type="radio"/> Write-in _____	<b>County Commission, District 8 Vote for One (1)</b> <input type="radio"/> Tim Boyd REP <input type="radio"/> Kanny Smith DEM <input type="radio"/> Write-in _____	
<b>Circuit Court Judge, Div. 3 11th Judicial District Vote for One (1)</b> <input type="radio"/> L. Merle Williams REP <input type="radio"/> Write-in _____	<b>County Commission, District 9 Vote for One (1)</b> <input type="radio"/> Chester Banks REP <input type="radio"/> Melinda Bone DEM <input type="radio"/> Write-in _____	<b>School Board, District 5 Vote for One (1)</b> <input type="radio"/> Oscar Brock <input type="radio"/> Joe C. Gatoway <input type="radio"/> C. Ballard Scarce, Jr. <input type="radio"/> Write-in _____
<b>Circuit Court Judge, Div. 4 11th Judicial District Vote for One (1)</b> <input type="radio"/> W. Neal Thomas III REP <input type="radio"/> Write-in _____	<b>County Trustee Vote for One (1)</b> <input type="radio"/> Bill Huflander REP <input type="radio"/> Write-in _____	<b>School Board, District 8 Vote for One (1)</b> <input type="radio"/> Sameahyn Morgan Rock <input type="radio"/> David Testaman <input type="radio"/> Write-in _____
<b>Chancellor, Part 1 11th Judicial District Vote for One (1)</b> <input type="radio"/> Pam McVitt Fleenor REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 1 Vote for One (1)</b> <input type="radio"/> Christie Mahn Sell <input type="radio"/> Rex Sparks <input type="radio"/> Write-in _____	<b>School Board, District 9 Vote for One (1)</b> <input type="radio"/> Karen Farrow <input type="radio"/> Steve Highlander <input type="radio"/> Larry Lewis <input type="radio"/> Dean Moorhouse <input type="radio"/> Tim White <input type="radio"/> Write-in _____
<b>Chancellor, Part 2 11th Judicial District Vote for One (1)</b> <input type="radio"/> Jeffrey M. Aherton REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 2 Vote for One (1)</b> <input type="radio"/> David E. Bales <input type="radio"/> Write-in _____	
<b>Criminal Court Judge, Div. 1 11th Judicial District Vote for One (1)</b> <input type="radio"/> Barry Steelman REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 3 Vote for One (1)</b> <input type="radio"/> Clarence Shattuck <input type="radio"/> Write-in _____	<b>City of Collegedale Municipal City of Collegedale Judge Vote for One (1)</b> <input type="radio"/> Harry W. Miller III <input type="radio"/> Kevin B. Wilson <input type="radio"/> Write-in _____
<b>Criminal Court Judge, Div. 2 11th Judicial District Vote for One (1)</b> <input type="radio"/> Rebecca J. Stam REP <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 4 Vote for One (1)</b> <input type="radio"/> Lisa Stasiom <input type="radio"/> Write-in _____	<b>City of East Ridge Municipal City of East Ridge Judge Vote for One (1)</b> <input type="radio"/> Ryan Hanzelk <input type="radio"/> Chris Hallon <input type="radio"/> Arvin Reingold <input type="radio"/> Write-in _____
<b>Criminal Court Judge, Div. 3 11th Judicial District Vote for One (1)</b> <input type="radio"/> Don W. Poole DEM <input type="radio"/> Write-in _____	<b>General Sessions Court Judge, Division 5 Vote for One (1)</b> <input type="radio"/> Gary Stamas <input type="radio"/> Write-in _____	<b>City of East Ridge Court Clerk Vote for One (1)</b> <input type="radio"/> Patricia E. Cassidy <input type="radio"/> Richard (Cubby) Owens <input type="radio"/> Write-in _____
<b>District Attorney 11th Judicial District Vote for One (1)</b> <input type="radio"/> Neal Pinkston REP <input type="radio"/> Write-in _____	<b>Juvenile Court Judge Vote for One (1)</b> <input type="radio"/> Rob Philyaw REP <input type="radio"/> Yolanda Echols Mitchell DEM <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain Municipal Town of Lookout Mountain Commissioner Vote for Five (5)</b> <input type="radio"/> James E. Bentley, Jr. <input type="radio"/> Walker Jones <input type="radio"/> Ernie Minges <input type="radio"/> Carol Muller <input type="radio"/> Brooke Pippenger <input type="radio"/> Don Stinnitt <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____
<b>Public Defender 11th Judicial District Vote for One (1)</b> <input type="radio"/> Steven E. Smith REP <input type="radio"/> Ardana Garth DEM <input type="radio"/> Write-in _____	<b>Sheriff Vote for One (1)</b> <input type="radio"/> Jim Hermonson REP <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain School Board Vote for Three (3)</b> <input type="radio"/> John Higginson, Jr. <input type="radio"/> Write-in _____
<b>County Mayor Vote for One (1)</b> <input type="radio"/> Jim Coppinger REP <input type="radio"/> Richard D. Ford IND <input type="radio"/> Write-in _____	<b>Circuit Court Clerk Vote for One (1)</b> <input type="radio"/> Larry L. Henry REP <input type="radio"/> Write-in _____	<b>Town of Lookout Mountain School Board Vote for Three (3)</b> <input type="radio"/> James M. Haley, IV <input type="radio"/> Sherry M. Pollock <input type="radio"/> Susan Probasco <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____ <input type="radio"/> Write-in _____
<b>County Commission, District 1 Vote for One (1)</b> <input type="radio"/> Randy Fairbanks REP <input type="radio"/> Write-in _____	<b>Criminal Court Clerk Vote for One (1)</b> <input type="radio"/> Vince Dean REP <input type="radio"/> Gwen Tidwell DEM <input type="radio"/> Write-in _____	
<b>County Commission, District 2 Vote for One (1)</b> <input type="radio"/> James A. "Jim" Fields REP <input type="radio"/> Write-in _____	<b>Juvenile Court Clerk Vote for One (1)</b> <input type="radio"/> Gary D. Belter REP <input type="radio"/> Write-in _____	
<b>County Commission, District 3 Vote for One (1)</b> <input type="radio"/> Marly Haynes REP <input type="radio"/> Write-in _____	<b>County Clerk Vote for One (1)</b> <input type="radio"/> W.F. "Bill" Knowles REP <input type="radio"/> Write-in _____	
<b>County Commission, District 4 Vote for One (1)</b> <input type="radio"/> Warren Mackey DEM <input type="radio"/> Write-in _____	<b>Register of Deeds Vote for One (1)</b> <input type="radio"/> Pam Hurst REP <input type="radio"/> Write-in _____	
<b>County Commission, District 5 Vote for One (1)</b> <input type="radio"/> Greg Beck DEM <input type="radio"/> Write-in _____	<b>School Board, District 3 Vote for One (1)</b> <input type="radio"/> Greg Martin <input type="radio"/> Jim Watson <input type="radio"/> Write-in _____	
<b>County Commission, District 6 Vote for One (1)</b> <input type="radio"/> Joseph "Joe" Graham REP <input type="radio"/> John Allen Brooks DEM <input type="radio"/> Write-in _____		



City of Red Bank Municipal	Shall Jeffrey G. Bivins be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
City of Red Bank Judge Vote for One (1)	<input type="radio"/> Retain <input type="radio"/> Replace
<input type="radio"/> Johnny Houston <input type="radio"/> Write-In _____	Shall Robert W. Wedemeyer be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
Town of Signal Mountain Municipal	<input type="radio"/> Retain <input type="radio"/> 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?
<input type="radio"/> Mark Rohberger <input type="radio"/> Write-In _____	<input type="radio"/> Retain <input type="radio"/> Replace
City of Soddy Daisy Municipal	Shall Alan Gierls be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
City of Soddy Daisy Judge Vote for One (1)	<input type="radio"/> Retain <input type="radio"/> Replace
<input type="radio"/> D. Harry Lasley <input type="radio"/> Write-In _____	Shall Coralee R. McMullen 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 Corneia A. (Corrie) Clark be retained or replaced in office as Judge of the Supreme Court?	Shall Roger A. Papp be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
<input type="radio"/> Retain <input type="radio"/> Replace	<input type="radio"/> Retain <input type="radio"/> 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?
<input type="radio"/> Retain <input type="radio"/> Replace	<input type="radio"/> Retain <input type="radio"/> Replace
Shall Gary R. Wade be retained or replaced in office as Judge of the Supreme Court?	<b>City of Chattanooga Municipal</b>
<input type="radio"/> Retain <input type="radio"/> Replace	<b>ORDINANCE NO. 12781 (Summary)</b>
Shall Thomas "Skip" Frierson be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	Shall Ordinance No. 12781 be amended or become obsolete to amend the City Code of the City of Chattanooga so as to ensure that City employees are also afforded equal protection against harassment and discrimination because of sexual orientation, gender identity and gender expression, and to determine 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-sibling and commercial relationship of mutual caring, support, the City employee and the domestic partner live together 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 as a degree of kinship that would otherwise prevent marriage under Tennessee law. A referendum on this ordinance is pending pursuant to Section 11.25 of the Chattanooga City Charter.
<input type="radio"/> Retain <input type="radio"/> Replace	
Shall John W. McClarty 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 Susano 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 D. Bennett be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	<b>CERTIFICATION OF THE CHIEF FINANCE OFFICER</b>
<input type="radio"/> Retain <input type="radio"/> Replace	This proposed amendment shall not have a material impact upon the City's finances.
Shall Frank Clement be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	DAISY W. MALHEEN City Finance Officer
<input type="radio"/> Retain <input type="radio"/> Replace	<input type="radio"/> For the Amended Ordinance <input type="radio"/> Against the Amended Ordinance
Shall Richard Dimins be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
<input type="radio"/> Retain <input type="radio"/> Replace	
Shall Neal 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 Ogilvie 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. Kirby 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	

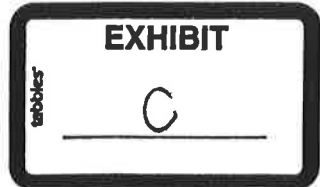
**SAMPLE BALLOT**  
**STATE OF TENNESSEE, HAMILTON COUNTY**  
 August 7, 2014

**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**

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> J.B. Bennett REP Write-in _____	Saverna Turner REP Ezra Mize DEM Write-in _____	Jackie Anderson-Thomas Richard K. Bennett Samuel E. Bakemora Patrick D. Hamilton Kantisa Mosley Cynthia Stanley-Cash Yoshika Ward Write-in _____
<b>Circuit Court Judge, Div. 2 11th Judicial District Vote for One (1)</b> Jill Hodingsworth REP Write-in _____	<b>County Commission, District 8 Vote for One (1)</b> Tim Boyd REP Kenny Smith DEM Write-in _____	<b>School Board, District 6 Vote for One (1)</b> Oscar Brock Joe C. Galloway C. Ballard Scarce, Jr. Write-in _____
<b>Circuit Court Judge, Div. 3 11th Judicial District Vote for One (1)</b> L. Marie Williams REP Write-in _____	<b>County Commission, District 9 Vote for One (1)</b> Chester Bankston REP Melinda Bonn DEM Write-in _____	<b>School Board, District 8 Vote for One (1)</b> Sameelyn Morgan Rock David Testerman Write-in _____
<b>Circuit Court Judge, Div. 4 11th Judicial District Vote for One (1)</b> W. Neal Thomas III REP Write-in _____	<b>County Trustee Vote for One (1)</b> Bill Hullander REP Write-in _____	<b>School Board, District 9 Vote for One (1)</b> Karen Farrow Steve Highlander Larry Lewis Dean Moorhouse Tim White Write-in _____
<b>Chancellor, Part 1 11th Judicial District Vote for One (1)</b> Pam McHut Frazier REP Write-in _____	<b>General Sessions Court Judge, Division 1 Vote for One (1)</b> Christie Mahn Sell Rex Sparks Write-in _____	<b>City of Collegedale Municipal City of Collegedale Judge Vote for One (1)</b> Harry W. Miller III Kevin B. Wilson Write-in _____
<b>Chancellor, Part 2 11th Judicial District Vote for One (1)</b> Jeffrey M. Altherton REP Write-in _____	<b>General Sessions Court Judge, Division 2 Vote for One (1)</b> David E. Bales Write-in _____	<b>City of East Ridge Municipal City of East Ridge Judge Vote for One (1)</b> Ryan Hanzalk Cris Helton Arvin Raingold Write-in _____
<b>Criminal Court Judge, Div. 1 11th Judicial District Vote for One (1)</b> Barry Steelman REP Write-in _____	<b>General Sessions Court Judge, Division 3 Vote for One (1)</b> Clarence Shattuck Write-in _____	<b>City of East Ridge Municipal Clerk Vote for One (1)</b> Patricia E. Cassidy Richard (Cubby) Owens Write-in _____
<b>Criminal Court Judge, Div. 2 11th Judicial District Vote for One (1)</b> Rebecca J. Stern REP Write-in _____	<b>General Sessions Court Judge, Division 4 Vote for One (1)</b> Lisa Stalton Write-in _____	<b>Town of Lookout Mountain Municipal Commissioner Vote for Five (5)</b> James E. Bentley, Jr. Walker Jones Ernie Minges Carol Muther Brooke Pippenger Don Sinnell Write-in _____ Write-in _____ Write-in _____ Write-in _____
<b>Criminal Court Judge, Div. 3 11th Judicial District Vote for One (1)</b> Don W. Poole DEM Write-in _____	<b>General Sessions Court Judge, Division 5 Vote for One (1)</b> Gary Starnes Write-in _____	<b>Town of Lookout Mountain Judge Vote for One (1)</b> John Higgeson, Jr. Write-in _____
<b>District Attorney 11th Judicial District Vote for One (1)</b> Neal Pinkston REP Write-in _____	<b>Juvenile Court Judge Vote for One (1)</b> Rob Phylaw REP Yolanda Evelyn Mitchell DEM Write-in _____	<b>Town of Lookout Mountain School Board Vote for Three (3)</b> James M. Haley, IV Sherry M. Pollock Susan Probasco Write-in _____ Write-in _____ Write-in _____
<b>Public Defender 11th Judicial District Vote for One (1)</b> Stevens E. Smith REP Ardena Garth DEM Write-in _____	<b>Sheriff Vote for One (1)</b> Jim Hammond REP Write-in _____	
<b>County Mayor Vote for One (1)</b> Jim Coppinger REP Richard C. Ford IND Write-in _____	<b>Circuit Court Clerk Vote for One (1)</b> Larry L. Herry REP Write-in _____	
<b>County Commission, District 1 Vote for One (1)</b> Randy Farklank REP Write-in _____	<b>Criminal Court Clerk Vote for One (1)</b> Vince Dean REP Gwen Tidwell DEM Write-in _____	
<b>County Commission, District 2 Vote for One (1)</b> James A. "Jim" Fields REP Write-in _____	<b>Juvenile Court Clerk Vote for One (1)</b> Gary D. Berker REP Write-in _____	
<b>County Commission, District 3 Vote for One (1)</b> Marty Haynes REP Write-in _____	<b>County Clerk Vote for One (1)</b> WF "Bik" Knowles REP Write-in _____	
<b>County Commission, District 4 Vote for One (1)</b> Warren Mackay DEM Write-in _____	<b>Register of Deeds Vote for One (1)</b> Pam Hurst REP Write-in _____	
<b>County Commission, District 5 Vote for One (1)</b> Greg Beck DEM Write-in _____	<b>School Board, District 3 Vote for One (1)</b> Greg Martin Jini Watson Write-in _____	
<b>County Commission, District 6 Vote for One (1)</b> Joseph "Joe" Graham REP John Allan Brooks DEM Write-in _____		



<b>City of Red Bank Municipal</b>	Shall Jeff, Jr. Davis be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
<b>City of Red Bank Judge</b> Vote for One (1)	Retain Replace
Johnny Houston Write-in _____	Shall Robert W. Westmeyer be retained or replaced in office as Judge of the Court of Criminal Appeals, Middle Division?
<b>Town of Signal Mountain Municipal</b>	Retain Replace
<b>Town of Signal Mountain Judge</b> 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 Rothberger Write-in _____	Retain Replace
<b>City of Soddy Daisy Municipal</b>	Shall Alan O'Brien be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
<b>City of Soddy Daisy Judge</b> Vote for One (1)	Retain Replace
D. Marty Lasley Write-in _____	Shall Camille R. McMullen be retained or replaced in office as Judge of the Court of Criminal Appeals, Western Division?
<b>State General</b> Judicial Retention Questions Vote Retain or Replace	Retain Replace
Shall Cornelia A. (Conie) 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 Replace	Retain 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 Replace	Retain Replace
Shall Gary R. Wade be retained or replaced in office as Judge of the Supreme Court?	<b>City of Chattanooga Municipal</b>
Retain Replace	Shall the City of Chattanooga's "domestic partnership" ordinance (Ordinance No. 12781) be adopted?
Shall Thomas "Skip" Franson 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 Replace	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
Shall John W. McClarty be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	
Retain Replace	
Shall Charles Suriano be retained or replaced in office as Judge of the Court of Appeals, Eastern Division?	
Retain Replace	
Shall Michael Sweeney 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 Dinkins be retained or replaced in office as Judge of the Court of Appeals, Middle Division?	
Retain Replace	
Shall Neal McBrayer 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 Norma McGee Ogie 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	