

**SUBSTITUTE RESOLUTION NO. RS2018-1180**

**A resolution providing amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, in accordance with Article 19, Section 19.01 thereof, and setting forth a brief description of each amendment to be placed upon the ballot.**

WHEREAS, Article 19, Section 19.01 of the Charter of The Metropolitan Government of Nashville and Davidson County, Tennessee provides that the Metropolitan Government shall not adopt a resolution proposing amendments to the Charter more often than twice during the term of office of members of the Metropolitan Council; and

WHEREAS, Article 19, Section 19.01 of the Charter further requires to be set forth in the adoption resolution a brief description of each amendment so worded so as to convey the meaning of said amendment; and

WHEREAS, it is the desire of the Metropolitan Council by adopting this resolution to fulfill these two Charter requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Pursuant to the provisions of Article 19, Section 19.01 of the Charter of the Metropolitan Government of Nashville and Davidson County, the proposed amendments to the Charter of the Metropolitan Government of Nashville and Davidson County, attached hereto, are submitted to the people for approval in the manner provided by Section 19.01 of the Charter.

Section 2. The date prescribed for holding of the referendum election at which the electorate of the Metropolitan Government will vote to ratify or reject the amendments proposed in Section 1 of this Resolution shall be August 2, 2018.

Section 3. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

\_\_\_\_\_  
Dave Rosenberg  
Member of Council

## AMENDMENT NO. 1

- I. Section 5.05 of Article 5 of the Charter of The Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision:

"Section 5.05 - Election of vice mayor; presiding officer of council; succession beyond vice mayor.

The vice mayor shall be elected for a term of four (4) years and until his or her successor is elected and qualified. He or she shall possess the qualifications of the mayor and shall be compensated at the rate of forty-two hundred (\$4,200) dollars per annum, payable semi-monthly. In the event the office of mayor becomes vacant, the vice mayor shall serve as mayor and be compensated as such until the vacancy is filled as provided in section 15.03 of this Charter. ~~If the vice mayor becomes unable or unwilling to serve as mayor, the president pro tempore of the council shall serve in this role in his or her place; and if the president pro tempore of the council becomes unable or unwilling to serve as mayor, the deputy president pro tempore of the council shall serve in this role in his or her place. No person shall serve as presiding officer of the council at the same time he or she is serving as mayor.~~ council shall nominate and elect a successor to serve as mayor until a mayor is subsequently qualified and elected. The successor:

- A. shall be elected by winning a majority of votes, where "majority" is defined as one vote more than half of all the members to which the council is entitled with the exception of any seat which is vacant. If no nominee receives a majority of the votes, the nominee who receives the lowest number of votes shall be eliminated (or, in the event of a tie for last place, all nominees obtaining that number of votes shall be eliminated) and another round of voting shall be held. This process will continue until a nominee receives a majority of votes. In the event of a tie where all candidates receive the same number of votes, a ten-minute recess shall be called and another vote shall be held with the same nominees eligible to receive votes;
- B. shall be legally qualified to hold office per Section 15.01 of this Charter; and
- C. shall not be eligible to file a nominating petition for the subsequent election for mayor or the subsequent election for vice mayor."

FOR THE BALLOT

Amendment No. 1

This amendment would revise the line of succession for the office of mayor by calling for a council election of a temporary mayor in the absence of the vice mayor and further prohibit that temporary mayor from seeking election in the next election for mayor or vice mayor.

## AMENDMENT NO. 2

- II. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision:

“Section 15.03 – Elections subsequent to vacancies

- A. Whenever a vacancy in the office of mayor shall exist more than twelve (12) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- B. Whenever a vacancy in the office of vice mayor shall exist more than twenty-four (24) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- C. Whenever a vacancy in the office of district council member shall exist more than six (6) months prior to the expiration of the term, a special election shall be held in accordance with Tennessee Code Annotated section 2-14-102.
- D. Whenever a vacancy in the office of councilmember-at-large shall exist, no special election shall take place and the office shall remain vacant for the remainder of the term.
- E. Whenever a special election is called for by this section, such special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated section 2-14-105.
- F. If in such a special election to fill a vacancy for the unexpired term of the office of mayor, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election.
- G. If in such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held in the manner prescribed in Part F of this section.
- H. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections at which time a vacancy is filled.”

### FOR THE BALLOT

#### Amendment No. 2

This amendment would ~~revise the line of succession for the office of mayor by clarifying that the president pro tempore of the Metropolitan Council would serve in the absence of the vice mayor, and that the deputy president pro tempore of the Metropolitan Council would serve in the absence of the president pro tempore.~~ In addition, this amendment would require a special election for mayor when more than twelve (12) months remain in the unexpired term, for vice mayor when more than twenty-four (24) months

remain in the unexpired term, and for district council member when more than six (6) months remain in the unexpired term and clarify that no special election for councilmember-at-large be held.

### AMENDMENT NO. 3

- I. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting subsection G and substituting the following as subsection G, provided subsection G exists in this section:

“G. In such a special election to fill a vacancy for the unexpired term of the office of vice mayor or district council member, the winner shall be determined using instant runoff voting as described in section 15.11 hereof. In the event that this method becomes repugnant to state law, a runoff election shall be held in the manner prescribed in Part F of this section.”

- II. Section 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the provision in its entirety and substituting in lieu thereof the following new provision, provided subsection G does not exist in this section:

“There shall be held a special metropolitan election to fill a vacancy for the unexpired term in the office of mayor and in the office of district council member whenever such vacancy shall exist more than twelve (12) months prior to the date of the next general metropolitan election. The special election shall be ordered by the county commissioners of elections and they shall give notice thereof as provided by Tennessee Code Annotated section 2-14-105. When a vacancy exists in the office of vice mayor or in the office of councilmember-at-large, said office shall remain vacant until the next general election at which time such vacancy shall be filled; however, in no event shall a special election be held to fill such vacancy. If in such special election to fill a vacancy for the unexpired term of the office of mayor or district council member, no candidate shall receive a majority of all the votes cast for such office, a runoff election shall be held five (5) weeks subsequent to the first special election to fill a vacancy in accordance with the provisions hereinbefore set forth in the case of a general metropolitan election. If in the general election at which time a vacancy in the office of vice mayor or councilmember-at-large, no candidate shall receive a majority of all the votes cast for such office, the winner shall be determined using instant runoff voting as described in section 15.11 hereof. In the event that this method becomes repugnant to state law, a runoff election shall be held in the manner prescribed in this section for the office of mayor. The provisions of section 15.01 hereof with respect to voting in general metropolitan elections and with respect to qualifying as a candidate shall apply to special elections and to general elections at which time a vacancy is filled.”

- III. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.11:

## Section 15.11 – Instant Runoff Voting

"Instant runoff voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated, and the candidate with the most votes in the final round is elected.

For offices elected by instant runoff voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.

A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- a. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
  - b. "Continuing ballot" means a ballot that is not an exhausted ballot.
  - c. "Continuing candidate" means a candidate who has not been defeated.
  - d. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking.
  - e. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.
  - f. "Last-place candidate" means the candidate with the fewest votes in a round of the instant runoff voting tabulation.
  - g. "Mathematically impossible to be elected," with respect to a candidate, means either:
    - i. The candidate cannot be elected because the candidate's vote total in a round of the instant runoff voting tabulation plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next-higher vote total in the round; or
    - ii. The candidate has a lower vote total than a candidate described in subparagraph (i) above.
  - h. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking.
  - i. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on.
  - j. "Round" means an instance of the sequence of voting tabulation steps established in subsection 2.
  - k. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.
- B. Procedures. Except as provided in subsections 3 and 4, the following procedures are used to determine the winner in an election for an office elected by instant runoff voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing

- candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.
- a. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
  - b. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.
- C. Ties. A tie under this section between candidates for the most votes in the final round or a tie between last-place candidates in any round must be decided by ~~lot, and the candidate chosen by lot is defeated~~ tallying and comparing the number of first place rankings, and the candidate with the most first place rankings prevails. If the number of first place rankings is the same for both candidates, then second place rankings would be tallied and compared, and continuing down the rankings until a difference is established. The result of the tie resolution must be recorded and reused in the event of a recount. Election officials may resolve prospective ties between candidates before the election.
- D. Modification of instant runoff voting ballot and tabulation. Modification of an instant runoff voting ballot and tabulation is permitted in accordance with the following.
- a. The number of allowable rankings may be limited to no fewer than 6.
  - b. Two or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.”

#### FOR THE BALLOT

#### Amendment No. 3

This amendment would eliminate runoff elections for vice mayor and district council member. Instead, voters would rank candidates in order of preference. A candidate receiving a majority of first-preferences for that office would win the election. If no candidate receives such a majority, the lowest-scoring candidate is eliminated and his or her votes are redistributed to remaining non-eliminated candidates based upon the eliminated candidate's voters' order of preference. This would continue until one candidate receives a majority of the votes.

**AMENDMENT NO. \_\_\_\_\_**

Article III of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 3.08:

~~"Section 3.08 — President Pro Tempore and Deputy President Pro Tempore —  
Offices Established~~

~~The position of president pro tempore of the metropolitan council is hereby established. The president pro tempore shall be elected by the council from the membership of the council to serve in the absence of the vice mayor. If the president pro tempore shall serve as the council's presiding officer, the council shall elect a deputy president pro tempore from the membership of the council to serve in the absence of the president pro tempore. In the event the office of vice mayor becomes vacant, the president pro tempore shall serve as vice mayor and be compensated as such until the vacancy is filled as provided in section 15.03 of this Charter. If the president pro tempore becomes unable or unwilling to serve as vice mayor, the deputy pro tempore shall serve in this role in his or her place."~~

FOR THE BALLOT

Amendment No. \_\_\_\_\_

~~This amendment would add the positions of president pro tempore of the Metropolitan Council and deputy president pro tempore of the Metropolitan Council to the Charter. In addition, this amendment would revise the line of succession for the office of vice mayor by clarifying that the president pro tempore would serve in the absence of the vice mayor and that the deputy president pro tempore would serve in the absence of the president pro tempore.~~