RESOLUTION NO. RS2019-1617

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 1, 2019.

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

John Cooper
Member of Council, At-Large

AMENDMENT NO. A

I. Section 15.01 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the language:

"At such general election each voter shall be entitled to vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmember-at-large, and one (1) candidate for district councilmember from the district wherein the voter resides"

And substituting the language:

"At such general election each voter shall be entitled to vote for mayor, vice-mayor, councilmember-at-large, district councilmember from the district wherein the voter resides by ranking his or her preferred candidates. In the event that this method of voting becomes repugnant to state law, each voter shall vote for one (1) candidate for mayor, one (1) candidate for vice-mayor, five (5) candidates for councilmember-at-large, and one (1) candidate for district councilmember from the district wherein the voter resides"

II. Section 15.02 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be deleted in its entirety and replaced as follows:

Sec. 15.02 – Vote required for election in metropolitan elections

A. In the general metropolitan election for mayor, vice-mayor, and district councilmember for each of the thirty-five (35) districts, those qualified persons who receive a majority of the votes cast shall be elected to their respective offices.

a. If no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilman, the winner shall be determined using ranked choice voting as described in section 15.11 hereof.

b. If ranked choice voting becomes repugnant to state law and no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilmember, a runoff election shall be held in the manner prescribed in section 15.12 hereof.

B. In the general metropolitan election for councilmember-at-large, those qualified persons who surpass the election threshold as defined in section 15.11 hereof shall be elected to office.

a. If fewer than five candidates shall reach this threshold, the winner shall be determined using ranked choice voting as described in section 15.11 hereof.

b. If ranked choice voting becomes repugnant to state law, each candidate receiving a majority shall be elected. For the purpose of this section, "the total vote cast for the office of councilmen-at-large" shall be deemed to be one-fifth of the aggregate number of votes received by all candidates for the office of councilmen-at-large. Unfilled positions will be filled through a runoff election, which shall be held in the manner prescribed in section 15.12 hereof.

III. 15.03 of Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting the language:

"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. In the event that the date prescribed for the runoff election falls on a major holiday or creates other major logistical concerns, the Election Commission shall be empowered to schedule the election no more than two days prior to the prescribed date.

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."

And substituting the language:

"F. If in such general or special election to fill a vacancy for the unexpired term of the office of mayor, vice-mayor, or district council member, no candidate shall receive a majority of all the votes cast for such office, the winner shall be determined using ranked choice voting as described in section 15.11 hereof. If ranked choice voting becomes repugnant to state law and no candidate shall receive a majority of all the votes cast for the office of mayor, vice-mayor or district councilmember, a runoff election shall be held in the manner prescribed in section 15.12 hereof."

And renumbering succeeding subsections accordingly.

IV. 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 – Ranked Choice Voting

"Ranked choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds, and votes or fractions thereof are distributed to candidates according to the preferences marked on each ballot. For offices elected by ranked choice 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 (1) 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. "Election threshold" means the number of votes sufficient for a candidate to be elected in a multi winner contest. The election threshold is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one (1) plus the number of offices to be filled, rounding up to four decimal places.

e. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains two (2) or more sequential skipped rankings before its highest continuing ranking.

f. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate.

g. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked choice voting tabulation.

h. "Mathematically impossible to be elected," with respect to a candidate in a single-winner contest, means:

> i. The candidate cannot be elected because the candidate's vote total in a round of the ranked choice 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.

i. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking.

j. "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 (1) is the highest ranking, ranking number two (2) is the next-highest ranking and so on.

k. "Round" means an instance of the sequence of voting tabulation steps established in subsection B.

l. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking.

m. "Surplus" means a positive difference between a candidate's vote total and the election threshold in a multi-winner contest.

n. "Surplus fraction" means the number equal to a candidate's surplus divided by that candidate's vote total, calculated to four decimal places, ignoring any remainder.

o. "Transfer value" means the proportion of a vote that a ballot will contribute to its highest continuing ranking. Each ballot begins with a transfer value of one (1). If a ballot transfers from an elected candidate with a surplus, it receives a new transfer value. The new transfer value of such a ballot is calculated by multiplying the surplus fraction of the elected candidate by the ballot's current transfer value, calculated to four decimal places, ignoring any remainder.

B. Procedures. Except as provided in subsections C and D, the following procedures are used to determine the winner in an election for an office elected by ranked choice voting.

a. Single-winner tabulation. For the offices of mayor, vice-mayor, and district councilmember, 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 (1) 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 two (2) potential outcomes.

> i. If there are two (2) or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

> ii. If there are more than two (2) continuing candidates, the last-place candidate is defeated and a new round begins.

b. Multi-winner tabulation. For the office of councilmember-at-large, tabulation must proceed in rounds each validly cast ballot shall be initially counted as one vote for its highest-ranked continuing candidate or as an exhausted ballot. The election threshold shall be calculated. Tabulation shall then proceed sequentially as follows:

> i. If the number of continuing candidates whose vote totals exceed the election threshold is equal to the number of seats remaining to be filled, those candidates are elected and the tabulation is complete. If the number of continuing candidates is equal to or less than the number of seats remaining to be filled, then all continuing candidates are elected and the tabulation is complete. Otherwise, the tabulation continues to subsection (b)(ii).

> ii. If no candidate has a vote total that exceeds the election threshold, the tabulation continues to subparagraph (b)(iii). If at least one continuing candidate has a vote total that exceeds the election threshold, then the continuing candidate with the highest vote total is elected. The number of surplus votes for such candidate shall be calculated. The surplus fraction for such candidate shall be calculated. The new transfer value of each vote cast for such candidate shall be calculated. Votes for such candidate shall be added, at their new transfer values, to the totals of each ballot's highest-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(i). In all subsequent rounds, any candidates elected under this subsection shall have vote totals equal to the election threshold.

> iii. The candidate with the fewest votes is defeated. Then, if the number of continuing candidates is equal to the number of seats remaining to be filled, all continuing candidates are elected, and the tabulation is complete. Otherwise, votes for the defeated candidate shall cease counting for the defeated candidate and shall be added, at their current transfer values, to the totals of each ballot's next-ranked continuing candidate or counted as exhausted ballots, and a new round begins with subsection (b)(i).

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 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 ranked choice voting ballot and tabulation. Modification of a ranked choice voting ballot and tabulation is permitted in accordance with the following.

a. The number of allowable rankings may be limited to no fewer than six (6) unless there are five (5) or fewer candidates on the ballot, in which case the number shall be limited to the number of candidates on the ballot plus one (1).

b. Two (2) or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

V. Article 15 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by adding the following new section 15.12:

Section 15.12 – Runoff elections

A runoff election, if called for by this section, shall take place five (5) weeks subsequent to the election that triggers it. If the date prescribed for the runoff election falls on a major holiday or creates other major logistical concerns, the Election Commission shall be empowered to schedule the election no more than two (2) days prior to the prescribed date.

A. In a runoff election for the offices of mayor, vice-mayor, and district councilmember, only the names of the two (2) candidates who received the highest number of votes cast for such office which failed to be filled at the general election shall be placed on the official ballot or voting machine. The candidate receiving the most votes shall be elected.

B. In a runoff election for the office of councilmember-at-large, there shall be included on the ballot or voting machine a number of candidates which is twice the number of vacancies remaining to be filled. The candidates to be so included shall be those who in the general election received the highest vote less than a majority and the other candidates shall be eliminated. In the event of a tie vote among candidates, one (1) of whom should be in the runoff except for such tie, then all such candidates so having tie votes shall be in the runoff. In a runoff election for councilmen-at-large it shall not be necessary to receive a majority and those candidates who have the highest vote and who equal in number those remaining to be elected shall be elected.

In the case of tie between candidates for the same office, it shall be broken as provided by Tennessee Code Annotated, section 2-8-111.

FOR THE BALLOT

Amendment No. ____

This amendment would eliminate runoff elections for mayor, vice mayor district councilmember, and councilmember-at-large. 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 for mayor, vice-mayor, or district councilmember, 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. If vacancies remain for councilmember-at-large, surplus votes for elected candidates are redistributed to subsequent choices until all vacancies are filled.

AMENDMENT NO. B

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:

> "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 ranked choice 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. 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 – Ranked Choice Voting

> "Ranked choice 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 ranked choice 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 (1) 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 two (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 ranked choice 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 ranked choice 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 two is the next-highest ranking and so on.

 j. "Round" means an instance of the sequence of voting tabulation steps established in subsection B.

 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 C and D, the following procedures are used to determine the winner in an election for an office elected by ranked choice 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 two (2) potential outcomes.

 a. If there are two (2) or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

 b. If there are more than two (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 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 ranked choice voting ballot and tabulation. Modification of a ranked choice voting ballot and tabulation is permitted in accordance with the following.

 a. The number of allowable rankings may be limited to no fewer than six (6) unless there are five (5) or fewer candidates on the ballot, in which case the number shall be limited to the number of candidates on the ballot plus one (1).

 b. Two (2) or more candidates may be defeated simultaneously by batch elimination in any round of tabulation.

FOR THE BALLOT

Amendment No. ____

This amendment would eliminate runoff elections subsequent to special 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. C

I. Section 6.03 of Article 6 of the Charter of the Metropolitan Government of Nashville and Davidson County shall be amended by deleting sub-paragraph (c) and the language following thereafter, and adding the following language in lieu thereof:

(c) Proposed expenditures for each organizational unit and activity in accordance with the established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing year, and including all debt service requirements in full for such fiscal year payable from such fund.

In no event shall the total proposed expenditures from any fund exceed the total anticipated revenues plus the estimated unappropriated surplus, or fund balance, and applicable reserves and less any estimated deficit at the end of the current fiscal year.

(d) The total debt of the metropolitan government, stated cumulatively and per capita, and the annual percentage increase or decrease of the total debt, including therein all issued and obligated bond amounts and commercial paper balances.

The annual operating budget shall further provide performance and efficiency measurements, as determined by the director of finance, for departments, boards, commissions and other agencies for which appropriations are made by the metropolitan government. The director of finance shall have discretion to omit those departments, boards, commissions and other agencies whose functions, duties and/or responsibilities are not conducive to quantifiable performance and efficiency measurements.

FOR THE BALLOT

Amendment No. ___

This amendment would require that the annual operating budget -- in addition to estimates of fund balances, revenues, and proposed expenditures -- include the total debt of the metropolitan government (stated cumulatively and per capita), and the annual percentage increase or decrease of such debt.

This amendment would further require the annual operating budget to include not simply fiscal information, but also performance and efficiency measurements for departments, boards, commissions and agencies funded by the metropolitan government. The director of finance would have discretion to determine the appropriate measurements, as well as the discretion to omit departments, boards, commissions and agencies whose functions are not conducive to quantifiable measurements.

This amendment would further add minor formatting changes.