

RESOLUTION 24-202

A RESOLUTION REQUESTING THE MAURY COUNTY ELECTION COMMISSION TO CONDUCT AN ELECTION WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF SPRING HILL, TENNESSEE, ON THURSDAY, APRIL 10, 2025, TO ELECT A MAYOR AND ALSO ONE (1) ALDERMAN FROM EACH OF THE FOUR (4) WARDS, PURSUANT TO THE ELECTION LAWS OF THE STATE OF TENNESSEE

WHEREAS, the City of Spring Hill Board of Mayor and Aldermen desire for the Maury County Election Commission to conduct an election within the corporate boundaries of the City of Spring Hill, Tennessee, on Thursday, April 10, 2025 for the purpose of electing a mayor and one (1) Alderman from each of the four (4) Wards located within the City.

NOW, THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee, that:

1. The Maury County Election Commission is requested and authorized to conduct the regular municipal election for the City of Spring Hill, Tennessee, on Thursday, April 10, 2025 for the purpose of electing a Mayor to serve a term of four (4) years ending in April 2029, and one (1) Alderman from each of the four (4) wards, all to be nominated and voted upon at-large by the registered voters of the city, each Alderman to serve a term of four (4) years. The Maury County Election Commission is requested to publish notice of the election in both Maury and Williamson Counties.

2. The Maury County Election Commission is hereby requested and authorized to conduct early voting beginning on March 26, 2025 and ending on April 5, 2025.

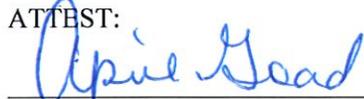
3. The Maury County Election Commission is hereby requested and authorized to secure an additional polling location in Williamson County.

4. The Mayor is hereby authorized to request the Maury County Election Commission to hold the aforesaid regular election on April 10, 2025, all cost of which shall be borne by the City of Spring Hill, Tennessee.

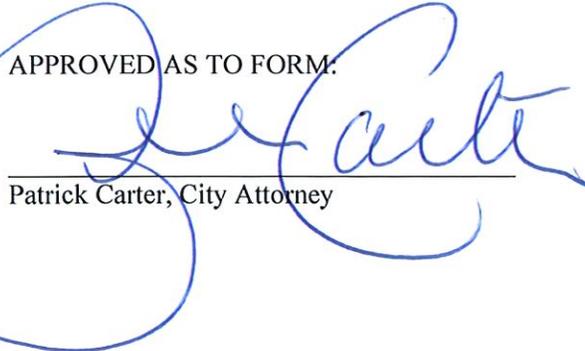
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 19th day of August, 2024.


Jim Hagaman, Mayor

ATTEST:


April Goad, City Recorder

APPROVED AS TO FORM:


Patrick Carter, City Attorney



TO: Patrick Carter, City Attorney of the City of Spring Hill

FROM: Stephanie O'Hara, MTAS Legal Consultant

DATE: January 26, 2024

RE: Applicability of Tennessee Code Annotated § 6-53-110 to the City of Spring Hill's Election Procedure

Public Chapter 391, Acts of 2023, became effective on January 1, 2024, and Tennessee Code Annotated § 6-53-110 now provides the following:

(a)(1) Notwithstanding any other law or charter to the contrary, no member of the legislative body of a municipality, a popularly elected school board, or any other similarly constituted and elected board or commission of a county or municipality shall be elected to such office through an election procedure requiring candidates to be nominated from a district and elected at-large, but such members shall be elected from districts as established by the appropriate county or municipality, which districts shall:

(A) Assure representation of substantially equal populations and guarantee the principle of one man/one vote in compliance with the Constitution of the United States; and

(B) Be reasonably compact and contiguous and not overlap.

(2) Following the establishment of the districts, such districts shall be reapportioned at least as often as districts for the county legislative body of such county are reapportioned to ensure compliance with the limitations prescribed in this section.

Tennessee Code Annotated § 6-53-110 (emphasis added). The underlined language above prohibits an "election procedure" that requires municipal governing body members and popularly elected school board members, in addition to members of other specified public bodies, from being nominated from a district and then elected at-large.

Tennessee Code Annotated § 2-5-101, in part, provides the following regarding required signatures on nominating petitions:

(a) Candidates shall qualify by filing all nominating petitions, including any duplicate nominating petitions, by the deadlines set out in the schedule in this section.

...

(b)(1) Nominating petitions shall be signed by the candidate and twenty-five (25) or more registered voters who are eligible to vote to fill the office. Nominating petitions for independent presidential candidates shall be signed by the candidate and twenty-five (25) or more registered voters for each elector allocated to the state. Each independent candidate must designate the full number of electors allocated to the state.

It is my understanding that the “nominating petitions” have been deemed as the nomination element in the “election procedure” for the purpose of Tennessee Code Annotated § 6-53-110.

While the City of Spring Hill’s election procedure was identified as being impacted by Public Chapter 391, Acts of 2023, the procedure for electing Spring Hill’s aldermen does not limit the nomination petition signatures to voters of a single ward. The City of Spring Hill was originally incorporated by private act on April 30, 1909, which created four wards and authorized additional wards to be created by ordinance. In addition, Chapter 406, Acts of 1909, specified who votes for the mayor and aldermen in article II, section 1: “That the officers of the town of Spring Hill shall consist of a Mayor and eight Aldermen, to be elected by the qualified voters of said town . . .”

In 1987, the city adopted the general law mayor-aldermanic charter as authorized by Tennessee Code Annotated § 6-1-201. The City of Spring Hill currently has four wards with two aldermen elected from each ward. Section 6-1-204(a) of the current Spring Hill Municipal Charter provides the following: “All registered voters of the municipality or of the territory of the proposed municipality are eligible to vote in the election.” For municipalities incorporated after June 30, 1991, section 6-3-101(b)(1) specifies that “municipality having between one (1) and four (4) wards shall consist of a mayor elected at large and two (2) aldermen elected from each ward . . .” However, no such specificity as to the voters is included for municipalities incorporated prior to June 30, 1991, including the City of Spring Hill.

The election procedure for city aldermen allows the nominating petition to be signed by any qualified voter of the City of Spring Hill. Once the candidate is found to be qualified, the qualified candidate’s name is placed on the ballot as required by Tennessee Code Annotated § 2-5-204(a). Qualification for office requires meeting the eligibility requirements of the office, including being a resident of the ward for one (1) year preceding the election. Spring Hill Municipal Charter section 6-3-103 provides the following residency requirements:

6-3-103. Residency. (a) No person shall be eligible for the office of mayor unless such person has resided within the municipality for at least one (1) year next preceding the election.

(b) No person shall be eligible for the office of alderman unless such person has resided within the ward for at least one (1) year next preceding the election.

(c) Residence within any area annexed in a year preceding an election shall be counted in meeting the residence requirement of this section.

(d) Any officer moving from such officer's ward, in the case of an alderman, or moving from the municipality, in the case of the mayor, during the term of office shall be presumed to have vacated the office, and it shall be declared vacant, and filled as provided in § 6-3-107.

At the general election, all registered voters of the city may vote on the candidates for aldermen.

When interpreting statutory ward residency requirements for a general law mayor-aldermanic chartered municipality, the Tennessee Attorney General opined the following in 2005:

While these statutes require aldermen to be residents of one of the municipality's wards, they do not require that aldermen be elected only by the qualified voters in that ward. As such, it would appear that these statutes use wards in multi-ward municipalities merely as the basis of residence for candidates for aldermen, and not for voting or representation. This interpretation is supported by the provisions of § 6-1-401(b), which allow a municipality to "provide by ordinance for a particular number of aldermen for the municipality to be eligible for and elected to such office without regard to ward residence."

Tenn. Op. Att'y Gen. No. 05-124 (Aug. 15, 2005). While the city is divided into four wards, residence within the specified ward for each seat is a qualification for that seat rather than the method of nomination.

For the above stated reasons, the City of Spring Hill should not be included on the list of municipalities that are affected by Public Chapter 391, Acts of 2023. In my opinion, your city has the follow options:

1. Pass an ordinance pursuant to section 6-3-102(a)(1) of the Spring Hill Municipal Charter reducing the number of wards to one single ward with an at-large election; OR
2. Discuss with your local election commission what process would be necessary to designate voting specific to each ward; OR
3. Determine if it is in the best interests of your municipality to maintain the same procedure based on the opinion above. If your city chooses this option, I recommend that you work with Chad Jenkins of the Tennessee Municipal League to contact the State Election Commission for review of this opinion and approval to proceed with this procedure. Your city and the State Election Commission will also need to communicate this procedure with your city's local election commission.