

RESOLUTION

WHEREAS, the City of Crossville, Tennessee was incorporated by Chapter No. 519 of the Private Acts of Tennessee for the year 1953, as amended, of the General Assembly of the State of Tennessee; and

WHEREAS, the interest of the City of Crossville, Tennessee will be served if the charter of the city is further amended; and

NOW, THEREFORE; BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROSSVILLE THAT:

The Honorable Senator Charlotte Burks and Honorable Representative Cameron Sexton are hereby requested to introduce the following act to the General Assembly of the State of Tennessee:

An ACT to amend the charter of the City of Crossville, Tennessee, being Chapter No. 519 of the Private Acts of Tennessee for the year 1953, as amended:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Section 1: Article IV, Section 6 be added to read: Be it further enacted, That any person holding an elective office of the City, whether by election, succession, or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided herein.

- (1) A recall of an incumbent of an elective office shall be initiated upon petition signed by the registered voters of the City of Crossville. The Mayor and all councilmen currently in office or hereafter elected shall be subject to recall and the petition shall contain signatures equal in number to at least thirty-three (33%) percent of the registered voters for the City of Crossville on the date of the city election preceding the filing of the petition. Every recall petition shall name the officer against whom it is directed.
- (2) Each elector signing a recall petition shall add to his signature his occupation, his residence, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered voters of the city.
- (3) A recall petition shall be tendered for filing to the Cumberland County Commissioners of Elections. Those persons filing a recall petition shall also file a cash bond with the Cumberland County Election Commission, equal to the cost of the proposed recall election. The cash bond or the unused portion thereof shall be refunded to those persons if the recall petition is determined to be invalid, the incumbent resigns before the Election Commission calls the recall election, or before the election is held. If the vote for recall is successful and the named incumbents are removed from office, the cost of the election shall become an obligation of the city and the cash bond shall be refunded. The Election Commission shall examine the petition to see whether it contains a sufficient number of apparently genuine signatures. The board may question the genuineness of any signature or signatures appearing on the recall petition and if it shall find that any such signature or signatures are not genuine, it shall disregard them in determining whether the petition contains a sufficient number of signatures. It shall also disregard any signature dated more than sixty (60) days before the date of the petition was tendered for filing. The board shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remain after eliminating such an invalid sheet. The board shall complete its examination of the petition within fifteen (15) days and shall thereupon file the petition if valid or reject it if invalid.

- (4) As soon as the Commissioners of Elections of Cumberland County have accepted a recall petition for filing, the chairman of the board shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice the incumbent may resign from his office and thereupon the recall proceedings shall terminate.
- (5) If the incumbent against whom a recall petition is directed does not resign from his office within ten days after notice of the filing of such petition shall be have been given to him, the Cumberland County Commissioners of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after the ten days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.
- (6) The following question shall be presented to each elector in a recall election: "Shall (name of officer) be recalled and removed from the office of (name of office)?" The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "Yes" or "No" in the question.
- (7) If sixty-six (66%) percent of the registered voters who vote on the question at a recall election shall vote "Yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered votes shall vote "No" he shall remain in office.
- (8) No person who has been removed from an elective office by a recall election or who has resigned from such an office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the city within two years after his removal or resignation.
- (9) No recall petition shall be filed against any incumbent of an elective office within the first year or the last six months of the term of his office or within six months after an unsuccessful recall election against him, but an officer who has been re-elected for a successive term shall be subject to recall also during the first year of such term.

Section 2: This act shall be effective when it has been approved by a majority vote in a referendum held on the question of approval of the private act after resolution is approved by the General Assembly.

ADOPTED, this _____ day of _____, 2014.

Mayor

Councilman

Councilman

Councilman

Councilman

ATTEST:

City Clerk