

COPY



State of Tennessee  
Department of State

Division of Elections  
312 Rosa L. Parks Avenue  
9<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243  
Phone: (615) 741-7956 Fax: (615) 741-1278

VIA FACSIMILE  
423-756-0737

June 20, 2008

Randall L. Nelson, City Attorney  
Nelson, McMahan & Noblit  
800 Broad Street, Suite 400  
Chattanooga, TN 37402

RE: City of Chattanooga Charter

Dear Mr. Nelson:

Mr. Jerry Summers, who is legal counsel for the Hamilton County Election Commission (the election commission), has been asked a question regarding the qualifications for a candidate for the office of Mayor of the City of Chattanooga (the City). The issue at hand turns on the durational requirement of the City's charter.

According to Section 8.27 of the City Charter, to be a candidate for the office of Mayor, a person must have lived in the City for "at least one year prior to his or her election." This charter language requiring the one-year residency before the election date was found on the City's website at:

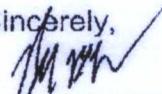
[http://www.chattanooga.gov/City\\_Council/Charter/09%20%20Title%2008%20Mayor%20and%20City%20Council.pdf](http://www.chattanooga.gov/City_Council/Charter/09%20%20Title%2008%20Mayor%20and%20City%20Council.pdf)

Although this language establishes election day as the marker for determining the one-year durational requirement, Mr. Summers has brought to my attention a charter provision, which appears to indicate that the one-year durational requirement must be satisfied by the qualifying deadline. This language appears to be related to a court case and was a part of an Appendix in 1990.

The time frames involved in the two different provisions indicate that the website contains the most current and correct language. However, to assure accuracy and a fair application of the durational requirement, I ask that you, as soon as you can, advise me of which language controls. My hope is to avoid any conflict with a controlling judicial order.

Thank you for your assistance in clarifying this issue.

Sincerely,

  
Brook K. Thompson  
Coordinator of Elections