ORDINANCE NO. 48

AN ORDINANCE TO PROVIDE FOR THE CREATION OF THE MUNICIPAL BOARD OF ELECTION COMMISSIONERS OF THE CITY OF LAKEWOOD, TENNESSEE, TO DEFINE ITS POWERS AND TO PROVIDE FOR THE CALLING, REGULATING, AND HOLDING OF MUNICIPAL ELECTIONS WITHIN THE CITY OF LAKEWOOD, TENNESSEE AS AUTHORIZED BY 6-2005 TENNESSEE CODE ANNOTATED.

BE IT ORDAINED BY THE CITY OF LAKEWOOD AS FOLLOWS:

I.

SECTION 1. APPOINTMENT OF MUNICIPAL ELECTION COMMISSIONERS

The Board of Commissioners of the City of Lakewood, Tennessee shall appoint, on the first Monday of ~~July~~ April of ~~each year~~ three (3) commissioners of elections for the City of Lakewood, Tennessee. Such appointments when made shall constitute the Municipal Board of Election Commissioners of the City of Lakewood, Tennessee. ordinance # 48 April 19, 1973

SECTION 2. QUALIFICATIONS OF COMMISSIONERS

All three commissioners shall be qualified voters of the City of Lakewood, Tennessee, and men of approved character, and shall have been residents of the City of Lakewood, Tennessee for at least two (2) years prior to their appointment.

No State, County, Municipal, Federal or Federal Agency Officer or employee whether elected or appointed, shall serve as Municipal Commissioner of election, nor shall any candidate to be voted on at any election be eligible to serve either as municipal election commissioner or as an official of such election, provided: HOWEVER, that the office of Justice of the Peace and Notary Public shall not be considered an office within the purview of this section, provided that school teachers and members of the legislature shall be exempt from provisions of this section.

SECTION 3. TENNESSEE VACANCIES - FILLING.

Such commissioners shall hold their office until their successors are appointed and any vacancy shall be filled by the Board of Commissioners of the City of Lakewood, Tennessee.

SECTION 4. COMPENSATION.

Said commissioners shall serve without compensation.

SECTION 5. OATH OF COMMISSIONERS, - ORGANIZATION OF BOARD.

Before entering upon the duties of their office, said commissioners shall take and subscribe to an oath before any officer authorized to administer oaths in the City of Lakewood, Tennessee,

to discharge faithfully and honestly the duties of their office and it shall be the duty of the said commissioners to qualify within twenty (20) days after their appointment and organize by the selection of one of their number as chairman and one of their number as secretary.

SECTION 6. MEETINGS - MINUTES TO BE KEPT.

The meetings of the Municipal Commissioners of Election shall be open to the public and the secretary shall keep an accurate account of the business transacted upon the official minutes of the board. Two (2) of the three (3) commissioners shall constitute a quorum for the transaction of business.

II.

SECTION 1. OFFICERS OF ELECTIONS, - OFFICIALS CONDUCTING ELECTIONS.-

All elections shall be opened and held by the officers, Judges and Clerks of election, appointed by the Commissioners of elections according to law, and if any of said officers, Judges or Clerks shall fail to attend, other persons shall be selected to fill such vacancy by a majority of the election officers in attendance.

SECTION 2. ELECTION OFFICIALS ABSENTING SELVES - FILLING VACANCIES - QUALIFICATIONS OF PERSONS SELECTED.-

When, for any reason, any judge, clerk or officer of election, so appointed, fails to attend promptly, and by reason of his absence at the hour, opening of the polls is delayed or about to be, other persons shall be selected to fill such vacancies by a majority of the election officials duly appointed and attending, but the persons so selected shall be residents and citizens of the City and shall act only until the regularly appointed officials, in whose stead they were selected, appear and demand that they be allowed to serve. Then, the persons so selected shall cease to act.

SECTION 3. VACANCIES - FILLING WHEN NO ELECTION OFFICIALS PRESENT.-

If all the election officers, whose duty it is to attend at a particular place of voting under the law, fail to attend, any justice of the peace present, or, if no justice of the peace be present, any three (3) freeholders may perform the duties of appointing the inspectors or judges, or, in case of necessity, may act as officers

or inspectors.

SECTION 4. OATH OF JUDGES.-

The officer or person holding any election, or some justice of the peace, before the opening of the polls, shall administer to the judges appointed to hold the election the following oath: "You do solemnly swear that, as judge of this election, you will suffer no one to vote, whom you know, of your own knowledge, or who appears, either by his own oath or by the testimony of others, not to be a qualified voter; that you will not suffer the ballot box to be out of the presence or sight of at least two (2) of your number until every vote is counted out; that you will faithfully and impartially conduct yourselves as judges of this election; and that you will, in all respects, perform the duties imposed upon you by law as judges and inspectors of this election. So help you God."

SECTION 5. OATH OF CLERK OF ELECTION.-

The clerks of the different elections shall take the following oath: "You do solemnly swear that you will faithfully, truly, and impartially discharge your duty as clerks of this election. So help you God." Which oath shall be administered by the person administering the oath of office to the judges or inspectors of the election, or by one of the judges themselves.

SECTION 6. COMPENSATION PAID OFFICIALS FOR SERVICES.-

Judges, clerks and officers holding a municipal election shall be paid Ten Dollars ($10.00) per day.

SECTION 7. LIST OF ELECTION OFFICIALS MADE BY ELECTION COMMISSIONERS.

It shall be the duty of the election to certify to the City Recorder the names of the persons who held the municipal election within two (2) days following the election, who shall issue warrants from the city funds as authorized by Section 6.

SECTION 8. APPOINTMENT OF ELECTION OFFICIALS ANNOUNCED BY NEWSPAPER PUBLICATION.-

It shall be the duty of said commissioners, within seven (7) days prior to any election held within the City for which they are appointed, to appoint and announce by publication in a newspaper of the City, if there shall be one, the appointment of one (1) officer, two (2) judges and two (2) clerks for each and every voting place in

their City to superintend the election in the precinct or voting place for which said officers, judges and clerks shall be appointed.

SECTION 9. NOTICES OF ELECTIONS - VOTING PLACES AND OFFICIALS SET OUT.-

It shall be the duty of the commissioners to publish notices of all elections, together with the locations of the several voting places and names of all the officers, judges, and clerks appointed to hold the same, in some newspaper (if there be any printed in the City), not less than ten (10) days preceding such elections, the fees for such publication to be paid for out of the City treasury as other expenses of the City and at the rate provided by law for legal publications.

SECTION 10. NOTICE OF APPOINTMENT AS ELECTION OFFICIALS - FORM.-

Ten (10) days before the date fixed for the holding of any legalized election, where it is the duty of the municipal commissioners of elections to appoint the officers who shall hold such election, the secretary of the commissioners shall also notify each officer selected of his appointment either by letter or postal card and shall use substantially the following form of notice:

TO----------

YOU ARE HEREBY NOTIFIED THAT YOU HAVE BEEN APPOINTED BY THE COMMISSIONERS OF ELECTION, AS A ----------
(State in what capacity, whether as judge, clerk, etc.) TO HOLD THE ELECTION FOR----------, ON THE ---8th---DAY OF ---June 1971---, BETWEEN THE HOURS OF ----------A.M. AND ----------P.M., AND FAIL NOT UNDER PENALTY. THIS -------DAY OF ----------, ----------.

SECRETARY OF COMMISSIONERS
OF ELECTION.

SECTION 11. RESIDENCE QUALIFICATION OF ELECTION OFFICIALS.-

The judges, clerks, and officers of election shall be residents and citizens of the City in which the voting place for which they are appointed is situated.

III.

SECTION 1. BALLOTS - PRINTING AND DISTRIBUTION AT PUBLIC EXPENSE - DEFINITIONS.-

All ballots cast in municipal elections for officers in the City, shall be printed and distributed at public expense, as hereinafter provided. The printing and distribution of ballots and cards of instruction to voters, shall, in municipal elections, be paid by the City.

SECTION 2. PETITION TO PLACE NAME ON BALLOTS - FILING.-

The said officer shall cause to be printed upon said ballots the name of any qualified voter who has been requested to be a candidate for any office, by a written petition signed by at least twenty-five (25) citizens qualified to vote in the election to fill said office, when such petition has been given him at least thirty (30) days previous to the election.

SECTION 3. BLANK SPACES LEFT UNDER EACH OFFICE - WRITE IN BY VOTERS OF CANDIDATES QUALIFYING WITHIN THIRTY DAYS OF ELECTION.-

If any qualified citizen has not been requested to be a candidate, as specified in Section 2, then said names shall not be printed upon said ticket. But, in addition to the names printed upon said tickets, there shall be at least one (1) blank space unspecified, or who desires to run of his own volition, may have a separate ticket printed, upon which the title of the office for which he is a candidate and his own name and address shall be printed, and said candidate may give these to the officer or officers distributing ballots upon the day of election, and said officer shall give to each voter, in addition to the printed ticket, as hereinafter specified, a copy of said ticket. The voter receiving said ticket shall not vote it, but may consult it to enable him to write upon the ticket printed at public expense the name of such candidate, should he so desire, and designate the same by mark, as hereinbefore prescribed.

SECTION 4. WITHDRAWAL OF CANDIDATE'S NAME.-

After the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for any office, he shall not withdraw same, unless upon the written request of the candidate so nominated, made at least ten (10) days before the day of election.

SECTION 5. CONTENTS, ARRANGEMENT AND SIZE OF BALLOTS.-

Every general ballot which shall be printed in accordance with the provisions of this chapter shall contain the names of all candidates nominated as herein before specified, and not withdrawn as specified in Section 4. The names of all candidates for the same office shall be printed together, and arranged alphabetically according to the initials of their surnames, irrespective of party. But the order in which the title of the various offices to be filled shall be arranged upon each separate ticket or ballot shall be left to the will of the officer or officers charged with the printing of said tickets. The ballot shall not be less than eleven (11) nor more than thirteen (13) inches wide. On the back and outside, when folded, shall be printed, "Official Ballot For," followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a facsimile of the signature of the officer or officers charged with the printing of the ballots.

SECTION 6. NUMBER OF BALLOTS FURNISHED - NUMBER OF POLLING PLACES - SELECTION OF VOTING PLACE.-

There shall be provided, for each voting place at which an election is to be held, such a number of ballots that there shall be at least one hundred (100) for every fifty (50) registered voters at said polling place. Every civil district or ward to which the provisions of this chapter apply shall have the same number of polling places as are not or may hereafter be provided by law. Where there are two (2) or more polling places in any one civil district or ward, a qualified voter of said ward or district may vote at the one he prefers. The commissioners of elections shall take notice, or shall notify the officer charged with the printing of ballots of the number of registered voters in each ward and civil district, at least twelve (12) days before the day of election.

SECTION 7. NUMBER OF BALLOTS FURNISHED.-

There shall be provided for each voting place one (1) ballot for each registered voter.

SECTION 8. MARKING BALLOT.-

The voter shall then go to one of the voting shelves, tables, or compartments, and shall prepare his ballot by marking in the appropiate margin or place a cross (X) opposite the name of the candidate of his choice in the blank space provided therefor, and marking a cross (X) opposite thereto.

SECTION 9. IMPROPERLY MARKED BALLOTS.-

If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. But this shall not vitiate the ballot so far as properly marked.

III

PROCEEDURE IN VOTING PLACE - COUNTING OF BALLOTS.-

SECTION 1. HOURS OF ELECTION.-

The polls shall be opened at 7:00 A.M. and close at 7:00 P.M., provided that in no event shall the polls be kept open for less than eight (8) hours.

SECTION 2. METHOD OF VOTING.

All popular elections shall be by ballot.

SECTION 3. "BALLOT" DEFINED.-

A ballot is a ticket or scroll of paper, purporting to express the voter's choice, given by the voter to the officer or person holding an election, to be put into the ballot box.

SECTION 4. "BALLOT BOX" DEFINED.-

The ballot box is any receptacle provided by the officer or person holding an election for receiving the ballots, which box is to be kept locked, or otherwise well secured; until the election is finished.

SECTION 5. QUALIFICATION OF VOTER.-

A voter in a municipal election must be twenty-one (21) years of age, have resided in the City of Lakewood, Tennessee, six months prior to the day of holding the election. Must have been duly registered to vote by the Davidson County Election Commission at least twenty (20) days prior to the day of holding the election.

SECTION 6. COUNTING OF VOTES AFTER CLOSING OF POLLS.-

The officer or person and judges appointed to hold an election shall not proceed to or commence counting out the votes given in the election, until the polls shall have been closed.

SECTION 7. READING OFF VOTES AND NUMBERING BALLOTS.-

When the election is finished, the returning officer and judges shall, in the presence of such of the electors as may choose to attend, open the box and read aloud the names of the persons which shall appear in each ballot, and the clerks, at the same time, shall number the ballots, each clerk separately.

SECTION 8. REMOVAL OF BALLOT BOX PROHIBITED.

It shall be unlawful for the election officers or any person to remove the ballot box used in any general or primary election from the place where such election is held; from the opening of the polls for such election until the votes cast therein have been duly counted and tabulated.

SECTION 9. POLLS AND RETURNS FILED BY ELECTION COMMISSIONERS - TIME AND PLACE OF FILING - CERTIFICATION OF RESULTS - CERTIFICATES OF ELECTION.-

On the first Monday after the election, it shall be the duty of the commissioners to file the polls and returns at the City Hall, and to certify in writing, signed by at least two (2) of them, the result as shown by said polls or returns, and to deliver to each person elected a certificate of his election.

SECTION 10. TIE VOTE IN CASE OF OFFICERS ELECTED BY SINGLE COUNTY OR DISTRICT - CASTING VOTE BY MUNICIPAL ELECTION COMMISSIONERS.-

If there is a tie vote between two (2) or more persons having the highest number of votes for the same office, the commissioners of elections shall give the casting vote between such persons.

ATTEST: Mrs C. J. Worden
RECORDER

B. L. Ferrell
MAYOR

APPROVED AS TO FORM: _____

PASSED 1ST READING: April 1, 1971

PASSED 2nd READING: April 5, 1971 (Special meeting)

PASSED 3rd READING: April 15, 1971

Page 270 minutes Bk.