

MEMORANDUM

To: Council Members
From: Margaret O. Darby
Director & Special Counsel
Date: October 1, 2025
Re: General Sessions Judicial Vacancy - Law, Rules, and Procedure

Vacancy

On September 19, 2025, Governor Bill Lee appointed Judge Jim Todd to fill the vacancy created in Criminal Court Division III by Judge Cheryl Blackburn's retirement. Notice of Judge Todd's appointment and the resulting vacancy in the General Sessions Court was received by the Vice Mayor and the Metro Council Office on September 25, 2025.

Vacancies occurring on the General Sessions Court are to be filled by the Council, and any person so appointed shall serve until a successor is elected at the next general election.¹ The next general election is scheduled for August 6, 2026.

Rule 49 of the Council Rules of Procedure provides the process for filling vacancies of public officials. **The Vice Mayor will announce the vacancy at the October 9 meeting of the Council.** At least four weeks must pass before the election to fill the vacancy occurs—November 18, 2025, is the first Council Meeting date following the four-week period.

Nominations

Both Council members and the general public may nominate candidates to fill the vacant seat. A person may nominate themselves to fill the vacancy. All persons nominated must be eligible to serve as a General Sessions Court Judge as provided in the Metro Charter and state law.² **All nominations must be in writing, signed by the nominator, and filed with the Metro Clerk by 4:00 PM on October 16, 2025 at the Historic Courthouse & City Hall, Suite 205.**³ The Metro Clerk will provide a questionnaire form to each candidate. Within three days after the nomination is filed, the candidate must file a copy of their resume along with a completed questionnaire with the Metro Clerk. Failure to timely file the questionnaire with Metro Clerk will result in withdrawal of the nomination. The Metro Clerk will then supply all resumes, questionnaires, and nomination documents to Council Members.

Candidates will be required to appear before the Rules, Confirmations and Public Elections Committee, on November 4, 2025, to be interviewed to ensure the candidate meets the required qualifications. Failure to appear before the Rules Committee will result in withdrawal of the nomination. The Metro Clerk will forward the names of the candidates to both the Nashville Bar Association and the Napier-Looby Bar

¹ See, Tenn. Code Ann. § 16-15-210(a) and Metro Charter Section 14.13.

² General Sessions Court Judges must possess a license to practice law in Tennessee, have been licensed for not less than 5 years prior to the election, be at least 30 years old, and be a Tennessee resident for five years and a Davidson County resident for one year prior to the appointment. See, Tenn. Code Ann. § 16-15-5005, TN Const. Art 6, § 4, and Metro Charter Section 14.04.

³ The Metro Clerk will not accept electronic filings. All documents required by Council Rule 49 must be filed in person at the Metro Clerk's office.

Association, requesting that a Candidate Evaluation Poll be taken from their membership. The results of the polls will be provided to the Metro Clerk and forwarded to Council Members.

Support for a candidate can be demonstrated in a few ways. Voters may file a petition of support with the Metro Clerk at the Historic Courthouse & City Hall, Suite 205. The candidate's nominator may speak up to 5 minutes at the November 18 Council Meeting where the election will take place. The nominator may yield their time, or a portion thereof, to the candidate or other persons wishing to speak—but in no event may more than 5 minutes of total speaking time be allotted per candidate.

Election

The election will be held as the first agenda item at the November 18 Council Meeting, in accordance with Council Rule 48.2 and 48.3. Voting shall be by machine vote where votes may only be cast for persons properly nominated. The person receiving the largest number of votes cast will be elected if that person received a majority of the votes. Abstentions will not be considered as "votes cast" and therefore will not contribute to the election. If more than two candidates are on the ballot and no candidate receives a majority of the votes cast, then the two candidates with the largest vote totals will proceed to a runoff election. If there is a tie vote between two candidates, the Vice Mayor will cast a tie-breaking vote, if that vote would be a deciding vote in the election.