

Metropolitan Nashville and Davidson County, TN Legislation

Resolution: RS2021-833

A resolution expressing opposition to House Bill 1280/Senate Bill 1342 which proposes to mandate nonpartisan races for all offices elected in countywide elections in Davidson County and Shelby County.

WHEREAS, each year the Tennessee General Assembly (General Assembly) convenes in legislative session in January. During the legislative session, the General Assembly adopts new laws that affect a wide range of issues; and

WHEREAS, currently pending for consideration in the 112th Regular Session (2021-2022) is House Bill 1280 /Senate Bill 1342 which, as introduced, amends Tennessee Code Annotated, Section 17-1-103 to include a new subsection (c), which would require that "...elections for all judicial offices that are elected in a countywide election must be nonpartisan..."; and

WHEREAS, HB1280/SB1342, as introduced, also amends Tennessee Code Annotated, Section 2-13-208(b) to say that, "...elections for all offices that are elected in a countywide election and elections for the legislative body must be nonpartisan"; and

WHEREAS, last year, the Tennessee Court of Appeals held that legislation applicable only to Shelby and Davidson County regarding the proposed school voucher program was unconstitutional, as it violated Article XI, Section 9 of the Tennessee Constitution; and

WHEREAS, laws adopted by the Tennessee General Assembly that apply only to particular counties, such as HB1280/SB1342, are constitutionally suspect as they target particular local governments without the constitutionally required approval of the local legislative body; and

WHEREAS, while this legislation purports to apply to any county in Tennessee with a population greater than 500,000, in reality, this legislation would only apply to Davidson County and Shelby County; and

WHEREAS, further, HB1280/SB1342, if adopted in its current form, would significantly change the countywide election process for electing the county judges, county sheriff, and district attorney general in Davidson County and Shelby County, and the county legislative body in Shelby County just to name a few of the partisan countywide elected offices in these counties; and

WHEREAS, if passed, HB1280/SB1342 would change the election process in only two Tennessee counties. While the offices of Mayor and Councilmember are already nonpartisan in Metro Nashville, removing party labels would require a voter in Davidson County or Shelby County to research and find other commonalities to associate themselves with a group of candidates in lieu of the longstanding traditional party labels used to identify candidates for approximately 100 years in countywide elections, something not required of voters in other counties; and

WHEREAS, the Metropolitan Council of Nashville and Davidson County expresses its opposition to HB1280/SB1342, which would drastically alter elections in Davidson County and Shelby County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Council of Nashville and Davidson County hereby goes on record as opposing HB1280/SB1342, which proposes to mandate nonpartisan races for all county-wide offices in Davidson County and Shelby County.

Section 2. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County.

Mayor _____

Date _____

John Cooper