AMENDMENT NO. 1

Article 19 of the Charter of the Metropolitan Government of Nashville and Davidson County is amended by deleting it in its entirety and replacing it with the following:

Sec. 19.01. - Amending the Charter

This Charter may be amended by (a) adoption of a resolution by the council or (b) petition meeting the requirements of section 19.03, where such resolution or petition has been approved by referendum election conducted pursuant to section 19.04. Amendments may also be adopted in such other manner as may be provided by general law for amending the Charter of a metropolitan government.

Sec. 19.02. – Amendment by Council Resolution

(a) The council may initiate amendments to this Charter by resolution, which for each amendment shall contain (1) the title of the proposed amendment; (2) an explanatory summary of the proposed amendment not to exceed two hundred (200) words; (3) the text of the proposed amendment; and (4) a statement of the financial impact of the proposed amendment. A proposed amendment cannot contain more than one subject as determined using the standard provided in Article 2, Section 17 of the Tennessee Constitution. A proposed amendment cannot be identical or substantially similar to a proposed amendment rejected by the voters of Nashville-Davidson County at an election held within two (2) years before the resolution was filed.

(b) Prior to adopting such resolution, the council shall submit the resolution to the charter revision commission for review. No later than thirty (30) days after receipt of the resolution, the Commission, acting in an advisory capacity, shall provide the council its report and recommendations on the resolution, including whether the proposed amendment satisfies the requirements in this Charter, including Section 19.03(c) for certification of a petition.

(c) A resolution to amend this Charter must receive an affirmative vote for adoption by not less than two-thirds of the membership to which the council is entitled. Such resolution when adopted need not be submitted to the mayor for approval.

(d) The council shall not adopt a resolution proposing amendments to this Charter more often than twice during the term of office of members of said council.

(e) The council shall not adopt, except pursuant to section 18.06 of this Charter, a resolution which proposes an amendment that redistricts the councilmanic districts unless the same be incidental to a proposed change in the number of such districts.

Sec. 19.03. – Amendment by Petition

(a) The registered voters of Nashville-Davidson County may initiate an amendment to this Charter by petition. No more than one referendum initiated by petition to amend the Charter shall be placed on a ballot within any two-year period.

(b) Before a petition may be circulated, at least one registered voter of Nashville-Davidson County shall file <u>the petition</u> with the metropolitan clerk: (1) the title of the proposed amendment; (2) an explanatory summary of the proposed amendment not to

exceed two hundred (200) words; (3) the text of the proposed amendment; and (4) a statement of the financial impact of the proposed amendment.

(c) The charter revision commission shall certify whether the petition satisfied the requirements of this Section 19.03(c) within thirty (30) days after the filing of the documentation required by Section 19.03(b). The petition shall not be certified if: (1) controlling legal authority establishes that the proposed amendment is unconstitutional; (2) the proposed amendment facially conflicts with or is inconsistent with federal or state law; (3) the substance of the proposed amendment is not subject to a referendum under state law or this Charter; (4) the proposed amendment fails to convey a reasonable certainty of meaning; (5) the proposed amendment contains more than one subject as determined using the standard provided in Article 2, Section 17 of the Tennessee Constitution; (6) the subject of the proposed amendment is not clearly expressed in its title; or (7) the petition or amendment fails to satisfy other requirements under this Charter or the Metropolitan Code.

The individual or individuals filing the petition shall have fifteen (15) days to cure any defects in the petition or amendment identified by the charter revision commission by filing the revised petition in proper form with the metropolitan clerk. The commission shall determine within fifteen (15) days whether or not to certify the revised petition.

(d) A decision by the charter revision commission to certify or not certify a petition may be appealed to the Chancery Court for Davidson County upon the filing by any affected party of petition for common-law writ of certiorari within thirty (30) days after the decision of the charter revision commission.

If no timely action has been filed challenging its decision to certify a petition, the charter revision commission shall notify the individual or individuals filing the petition and file the petition with the metropolitan clerk, at which time the petition may be circulated for signatures.

(e) Petitions shall be signed by at least fifteen percent (15%) of those registered to vote in Nashville-Davidson County as of the date on which the charter revision commission files the certification of the petition with the metropolitan clerk. The disqualification of one (1) or more signatures shall not render a petition invalid, but shall disqualify such signatures from being counted towards the minimum number of signatures required. Each petition shall contain only the following: (1) the petition language certified by the charter revision commission; (2) the genuine signature and address of registered voters; (3) the printed name of each signatory; and (4) the date of signature.

Completed petitions shall be filed with the metropolitan clerk within seventy-five (75) days after the charter revision commission files the certification of the petition with the metropolitan clerk. The filing of any legal action regarding the petition after the certification has been filed with the metropolitan clerk shall not extend this deadline.

(f) The metropolitan clerk shall immediately deliver the completed petitions to the Davidson County Election Commission. The Davidson County Election Commission shall verify: (1) the genuine signature; (2) that the current address matches the voter's registered address; (3) the printed name; and (4) that the date of signature of each person who signed the petition is after the charter revision commission's certification to the

metropolitan clerk; and (5) that each person who signed the petition is a current registered voter of Nashville-Davidson County. The commission shall not verify or count signatures appearing on petitions that do not strictly conform to the petition language certified by the charter revision commission.

Within thirty (30) days after receiving the completed petitions from the metropolitan clerk, the Davidson County Election Commission shall publicly certify the number of current registered voters of Nashville-Davidson County who signed the petition. The Commission shall file with the metropolitan clerk a written certification of the number of eligible registered voters of Nashville-Davidson County who signed the petitions. The signed petitions shall remain in the custody of the Davidson County Election Commission and shall be deemed to be county public records available for inspection or copying by any interested party in accordance with applicable laws.

The Davidson County Election Commission's action on the petitions may be appealed to the Chancery Court for Davidson County upon the filing by any affected party of a petition for common-law writ of certiorari within thirty (30) days after the Davidson County Election Commission files its certification with the metropolitan clerk.

Sec. 19.04. – Referendum Election

(a) Any referendum on amending the Charter that complies with the requirements in Section 19.02 or 19.03 shall be placed on the ballot for the next regularly scheduled August or November metropolitan, county, or state general election occurring more than ninety (90) days after the Davidson County Election Commission's certification of the signatures.

(b) The Davidson County Election Commission shall prepare the referendum ballot in strict compliance with this Charter, applicable ordinances, and the charter revision commission's requirements governing the form and content of the ballot. The Davidson County Election Commission shall not alter the wording or substance of the language described in section 19.03(b) as approved by the charter revision commission except as such alteration is approved by the charter revision commission. The Davidson County Election Commission shall file the referendum ballot with the metropolitan clerk at least seven (7) days before such ballot is finalized for review by the charter revision commission.

The ballot shall include the explanatory summary of the proposed amendment approved by the charter revision commission. The ballot shall provide the voters a choice to vote "For Ratification" and "Against Ratification" of each proposed amendment. To assure that the public is fully apprised of the proposed amendment, the Davidson County Election Commission shall post the text of the proposed amendment in a conspicuous place in each polling place and shall publish the proposed amendment on its website and in print in a newspaper of general circulation within Davidson County and digital media. The notice of the referendum and the form of the question and its place on the ballot shall comply with the state laws governing the form of ballots and the arrangement of material on the ballot. The cost of the referendum shall be paid out of the general funds of the Metropolitan Government.

(c) Each proposed amendment shall be ratified when a majority of the votes cast at the referendum election shall be in favor of ratification and shall be rejected when a

majority of said votes is not cast in favor. The Davidson County Election Commission shall canvass the returns and certify the results to the Secretary of State, who shall issue a proclamation showing the results of the referendum on the ratification or rejection of the proposed amendment to this Charter. One copy of the proclamation shall be attached to the copy of this Charter previously certified to the Secretary of State and one copy shall be delivered to the metropolitan clerk who shall attach the same to the copy of the Charter in his or her custody.

Sec. 19.05. – Charter Revision Commission Authorized

(a) There is hereby created and established a metropolitan charter revision commission. The commission shall consist of seven (7) members who shall serve without compensation. The members of the commission shall be appointed by the mayor and confirmed by a majority vote of the whole membership of the council. The seven (7) members shall serve terms of four (4) years each. Members serving when this provision is adopted shall continue to serve through the end of their terms.

(b) The commission shall have the following powers and duties: (1) to make recommendations to the council with respect to amendments to the Charter; (2) to prescribe and oversee the form, facial validity, preparation and circulation of petitions to amend the Charter; and (3) approve the form of referendum ballots to amend the Charter to enable the public to vote either in favor of or against a proposed Charter amendment in an informed way. In exercising these powers and duties, the commission shall have the authority to hold hearings, compel the attendance of witnesses and the production of books, papers, and records pertinent to the hearing, and administer oaths to witnesses. If any person fails or refuses to obey a reasonable order for attendance or reasonable order for production of books and papers, the commission may apply to chancery court for an order requiring the order of the commission to be obeyed. The charter revision commission shall adopt and prescribe standard forms and procedures governing petitions to amend this Charter consistent with this Article, the council's ordinances, and other applicable legal requirements.

Sec. 19.06. – Implementation and Strict Construction

The council shall adopt as necessary any ordinance to implement this Article consistent with this Charter and other applicable legal requirements. This Article, ordinances and procedures implementing this Article, and other applicable legal requirements for referendums to amend the Charter of the metropolitan government shall be strictly construed. Those seeking to initiate amendments by resolution or petition must strictly comply with these requirements.

FOR THE BALLOT

Amendment No. ____

The amendment would modify the process for amending the Charter of the Metropolitan Government of Nashville and Davidson County by a resolution of the Metropolitan Council or a

petition of registered voters. The amendment would define the membership and duties of the Charter Revision Commission, which would include review of all amendments submitted by petition or resolution.

INTRODUCED BY:

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