

SENATE BILL 2635

By Burks

AN ACT to amend Chapter 519 of the Private Acts of 1953; as amended by Chapter 259 of the Private Acts of 1965; Chapter 416 of the Private Acts of 1972; Chapter 281 of the Private Acts of 1982; Chapter 99 of the Private Acts of 1991; Chapter 101 of the Private Acts of 1991; Chapter 102 of the Private Acts of 1991; Chapter 105 of the Private Acts of 1991; Chapter 116 of the Private Acts of 1994; Chapter 55 of the Private Acts of 1995; and any other acts amendatory thereto, relative to the Charter of the City of Crossville.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 519 of the Private Acts of 1953, as amended by Chapter 259 of the Private Acts of 1965; Chapter 416 of the Private Acts of 1972; Chapter 281 of the Private Acts of 1982; Chapter 99 of the Private Acts of 1991; Chapter 101 of the Private Acts of 1991; Chapter 102 of the Private Acts of 1991; Chapter 105 of the Private Acts of 1991; Chapter 116 of the Private Acts of 1994; Chapter 55 of the Private Acts of 1995; and any other acts amendatory thereto, is amended in Article IV by adding the following language as a new section:

Section 6. Be it further enacted, that any person holding an elective office of the City, whether by election, succession, or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided herein.

(1) A recall of an incumbent of an elective office shall be initiated upon a petition signed by the registered voters of the City of Crossville. The Mayor and all councilmen currently in office or hereafter elected shall be subject to recall and the petition shall contain signatures equal in number to at least thirty-three percent (33%) of the registered voters for the City of Crossville on the date of the

city election preceding the filing of the petition. Every recall petition shall name the officer against whom it is directed.

(2) Each elector signing a recall petition shall add to his signature, his residence, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered voters of the city.

(3) A recall petition shall be tendered for filing to the Cumberland County Commissioners of Elections. Those persons filing a recall petition shall also file a cash bond with the Cumberland County Election Commission, equal to the cost of the proposed election. The cash bond or the unused portion thereof shall be refunded to those persons if the recall petition is determined to be invalid, the incumbent resigns before the Election Commission calls the recall election, or before the election is held. The Election Commission shall examine the petition to see whether it contains a sufficient number of apparently genuine signatures. The Election Commission may question the genuineness of any signature or signatures appearing on the recall petition and if it shall find that any such signature or signatures are not genuine, it shall disregard them in determining whether the petition contains a sufficient number of signatures. The Election Commission shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remain after eliminating such an invalid sheet. The Election Commission shall complete its examination of the petition within thirty (30) days and shall thereupon file the petition if valid, or reject it if invalid.

(4) As soon as the Commissioners of Elections of Cumberland County have accepted a recall petition for filing, the chairman of the Election Commission shall notify the incumbent named in the petition that the petition has

been filed. Upon receipt of such notice the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

(5) If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition has been given to the incumbent, the Cumberland County Commissioners of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten (10) days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty (30) days nor more than ninety (90) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

(6) The following question shall be presented to each elector in a recall election: "Shall (name of officer) be recalled and removed from the office of (name of office)?" The above question shall appear as to every officer whose recall is to be voted on and provision shall be made for the elector to vote "Yes" or "No".

(7) If sixty-six percent (66%) of the registered voters who vote on the question at a recall election vote "Yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered voters vote "No" the incumbent shall remain in office.

(8) No person who has been removed from an elective office by a recall election or who has resigned from such an office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the city within two (2) years after his removal or resignation.

(9) No recall petition shall be filed against any incumbent of an elective office within the first year or the last six (6) months of the term of his office or within six (6) months after an unsuccessful recall election against him, but an

officer who has been re-elected for a successive term shall be subject to recall also during the first year of such term.

SECTION 2. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Crossville voting in an election on the question of whether or not the act should be approved. The ballots used in the general election to be held in November, 2014 shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

The Election Commission shall place the following question on the November, 2014 general ballot:

“FOR” approving a Private Act to authorize the registered voters of the City of Crossville to initiate a recall of an incumbent of an elective office in the City.

“AGAINST” does not approve a Private Act to authorize the registered voters of the City of Crossville to initiate a recall of an incumbent of an elective office in the City.

A vote “FOR” shall authorize the registered voters of the City of Crossville to initiate a recall of an incumbent of an elective office in the City.

A vote “AGAINST” shall not authorize the registered voters of the City of Crossville to initiate a recall of an incumbent of an elective office in the City.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, as provided in Section 2, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 2.