




HISTORIC
FRANKLIN
TENNESSEE

ITEM #23
BOMA
08/12/14

MEMORANDUM

August 12, 2014

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Shauna R. Billingsley, City Attorney
Kristen L. Corn, Staff Attorney

SUBJECT: Ordinance 2014-20, An Ordinance Directing Nonresident Property Owner Voters to Cast Ballots in City of Franklin Elections By Mail As Absentee Voters

Purpose

The purpose of this memo is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Ordinance 2014-20, which directs property rights voters (that is, individuals who own property within City limits but do not reside within the City limits) to cast ballots in City elections by absentee by-mail ballot.

Background

As you are aware, the City Charter provides that along with residents of the City of Franklin, all citizens of the State of Tennessee who own real property subject to property taxes within the City limits of Franklin are entitled to vote in all municipal elections.

State law (Tennessee Code Annotated §2-6-205) authorizes cities to require, by ordinance, property rights voters to vote by absentee by-mail ballot for municipal elections. The Law Department was contacted by Williamson County Election Administrator Ann Beard who requested that the City consider adopting such an ordinance. If adopted by the City, all property rights voters will be notified by the Election Commission no later than forty-five (45) days before each municipal election. The Election Commission will include an application for ballot for the municipal election. The voter will not have to drive to any location to cast their ballot in a municipal election; they will simply mail in the request for ballot and subsequently the ballot when completed.

At the July 8, 2014 work session, several questions were raised and we wanted to follow up to make sure they had been adequately answered. The first question was how many property right voters can be registered for each property. Pursuant to state law, no more than two persons shall be entitled to vote based upon the ownership of an individual tract of property. For example, if there is only one named property owner, then only that person can be registered as a property right voter. If there are two owners, then both could be registered. But if there are three (or more) property owners, there could still only be two registered non-resident property right voters for that property.

Another question was raised as to how corporate or business ownership applies for property right voting. By law, there is no property right voting for properties owned by corporations. The same applies for properties owned by trusts. The property ownership must lie in a person (or persons) for someone to register as a property rights voter.



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MEMORANDUM

It is important to stress that this does not mean that for a state or federal election that someone who owns property in Franklin but lives elsewhere gets two votes. It simply means that they are still entitled to vote on our *municipal* ballot as a property right voter (they would still have to register to vote in the county/federal election where they reside).

Financial Impact

There is little to no financial impact to the City associated with the adoption of this ordinance.

Options

The Board may approve, modify or reject the proposed Ordinance.

Recommendation

Staff recommends adoption of Ordinance 2014-20 as presented.

ORDINANCE 2014-20

TO BE ENTITLED: "AN ORDINANCE DIRECTING NONRESIDENT PROPERTY OWNER VOTERS TO CAST BALLOTS IN CITY OF FRANKLIN ELECTIONS BY MAIL AS ABSENTEE VOTERS."

WHEREAS, Section 2-6-205 of the Tennessee Code Annotated authorizes cities to direct nonresident property owners to cast municipal ballots as absentee by-mail ballots; and

WHEREAS, the Williamson County Election Commission has determined that the use of by-mail ballots for nonresident property owners would be beneficial to both the voters and the City of Franklin; and

WHEREAS, no later than forty-five (45) days before each election, the Election Commission will mail a notice to each voter registered as a nonresident property owner of the City, advising the voter of the voting process and include an application for ballot for the municipal election; and

WHEREAS, the Board of Mayor and Aldermen believe it is in the best interest of the citizens of the City of Franklin to direct nonresident property owners to cast their ballots in municipal elections as absentee by-mail ballots.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee that individuals who are registered to vote in the City of Franklin as nonresident property owners shall cast their municipal ballots as absentee by-mail ballots.

BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on second and final reading, the health, safety and welfare of the citizens of Franklin requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
CITY ADMINISTRATOR

BY: _____
DR. KEN MOORE
MAYOR

PASSED FIRST READING
PASSED SECOND READING

Approved as to Form:

Kristen L. Corn, Staff Attorney




HISTORIC
FRANKLIN
TENNESSEE

ITEM #10
WRKS
07/08/14

MEMORANDUM

July 1, 2014

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Shauna R. Billingsley, City Attorney
Kristen L. Corn, Staff Attorney

SUBJECT: Ordinance 2014-20, An Ordinance Directing Nonresident Property Owner Voters to Cast Ballots in City of Franklin Elections By Mail As Absentee Voters

Purpose

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Financial Impact

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Options

The Board may approve, modify or reject the proposed Ordinance.

Recommendation

Staff recommends adoption of Ordinance 2014-20 as presented.