

ROBERTSON L HEALY

525 East 4th Street
Apartment B
Chattanooga, Tennessee 37403

May 6, 2008

DRAFT

Jerry H. Summers, Esq.
Summers & Wyatt
735 Broad Street, Suite 800
Chattanooga, TN 37402

Dear Jerry:

Since my wife, Betsy and I moved into the vibrant, downtown Chattanooga area, I now am more enthusiastic than ever over the possibility of running for the office of Mayor. As part of my ongoing consideration, I want to be assured that no issue regarding my eligibility will arise either during the campaign or thereafter. Although I have been a resident in Hamilton County most of my adult life, I have been a resident of the City of Chattanooga since February 23, 2008. As a result, I will have been a resident of the City for more than one (1) year prior to the March 3, 2009, date of the mayoral election.

After reading the City Charter, it is my interpretation that I would be required to certify in my qualifying papers that on the date of the election, I will have been a resident of Chattanooga for at least one (1) year. However, I understand that there may be an ambiguity in the City Charter regarding the residency requirement. Therefore, I respectfully request that the Hamilton County Election Commission determine whether, in order to be an eligible candidate, I must have been a resident of the City for one (1) year prior to the election or one (1) year prior to the date on which I must file my qualifying papers with the Commission, should I decide to pursue the office of Mayor.

I certainly thank you for your efforts regarding this important matter, and I look forward to your response.

Sincerely,

Rob Healy

APPENDIX NO. 1

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Adopted 1990

6. No person shall be elected to the office of Mayor unless he or she has been a resident of the City of Chattanooga for at least one year prior to his or her election and unless he or she shall be at least thirty (30) years of age. The residency and age requirements must be met at the time (s)he qualifies to run for office. Each candidate, at the time of qualification, shall sign an oath that (s)he meets the residency and age requirements.

CITY OF CHATTANOOGA CODE

Adopted January 22, 2002

Sec. 8.27. Qualifications of mayor.

No person shall be elected to the office of mayor unless he or she has been a resident of the city of Chattanooga for at least one year prior to his or her election and unless he or she shall be at least thirty (30) years of age.

COPY



State of Tennessee
Department of State

Division of Elections
312 Rosa L. Parks Avenue
9th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243
Phone: (615) 741-7956 Fax: (615) 741-1278

VIA FACSIMILE
423-756-0737

June 20, 2008

Randall L. Nelson, City Attorney
Nelson, McMahan & Noblit
800 Broad Street, Suite 400
Chattanooga, TN 37402

RE: City of Chattanooga Charter

Dear Mr. Nelson:

Mr. Jerry Summers, who is legal counsel for the Hamilton County Election Commission (the election commission), has been asked a question regarding the qualifications for a candidate for the office of Mayor of the City of Chattanooga (the City). The issue at hand turns on the durational requirement of the City's charter.

According to Section 8.27 of the City Charter, to be a candidate for the office of Mayor, a person must have lived in the City for "at least one year prior to his or her election." This charter language requiring the one-year residency before the election date was found on the City's website at:

http://www.chattanooga.gov/City_Council/Charter/09%20%20Title%2008%20Mayor%20and%20City%20Council.pdf

Although this language establishes election day as the marker for determining the one-year durational requirement, Mr. Summers has brought to my attention a charter provision, which appears to indicate that the one-year durational requirement must be satisfied by the qualifying deadline. This language appears to be related to a court case and was a part of an Appendix in 1990.

The time frames involved in the two different provisions indicate that the website contains the most current and correct language. However, to assure accuracy and a fair application of the durational requirement, I ask that you, as soon as you can, advise me of which language controls. My hope is to avoid any conflict with a controlling judicial order.

Thank you for your assistance in clarifying this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Brook K. Thompson".

Brook K. Thompson
Coordinator of Elections