



VIA FACSIMILE

State of Tennessee
Department of State
Division of Elections
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July 28, 2008

Jerry H. Summers
Summers & Wyatt, P.C.
500 Lindsay Street
Chattanooga, TN 37403-3496

RE: Interpretation of the Charter for the City of Chattanooga

Dear Jerry:

On July 15, 2008, I received a letter from Mr. Randall L. Nelson, attorney for the City of Chattanooga (the City). In the letter, Mr. Nelson discussed and explained the wording and history of the city charter governing the residency qualification for a potential candidate for Mayor. After describing the history of the city charter and clerical errors made therein, Mr. Nelson opines that "candidates for Mayor and City Council members must meet the residency and age requirements at the time they qualify for office." Indeed, in the final analysis, Mr. Nelson writes that Section 8.27, which is the governing language of the city charter, reads as follows:

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 residence and age requirements. (Emphasis added)

Given the information and opinion provided by Mr. Nelson, the Hamilton County Election Commission (the "election commission") can reasonably rely upon Mr. Nelson's conclusions about the city charter. As such, a candidate for Mayor of the City must meet the residency and age requirements by the qualifying deadline. Just as Mr. Nelson pointed out, any candidate aggrieved by this interpretation may seek a declaratory judgment from a court, and the election commission will then follow the order of that court.

I hope that this information proves helpful to you and the election commission.

Sincerely,

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

Brook K. Thompson
Coordinator of Elections

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