

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION BY THOSE SEEKING ELECTED OFFICE AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008.

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article 11 Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment).

Section 1. Proposed Amendment.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, and submitted by the City of Memphis to its qualified voters at the first general State election, which shall be held in the City of Memphis on November 4, 2008, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee be amended to impose additional disclosure requirements upon candidates for elected office by adding the following language to Home Rule Amendment 1852 to read as follows?:

That at such time that a candidate for elected office submits a nominating petition for said office, a sworn affidavit shall accompany such petition disclosing the following: all business related bankruptcies the candidate has filed; any liens assessed by any entity including, but not limited to, the Internal Revenue Service, or any state, city or county governmental agency; and any convictions in any court, state or federal, for a crime(s) which is classified a felony in this state. Any candidate failing to submit such a sworn affidavit in form and content satisfactory to the election commission at the time of filing his or her nominating petition shall be disqualified from becoming a candidate for elected office and the election commission shall refuse any nominating petition that does not comply with this provision.

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 4, 2008, and request that this proposed amendment to the Home Rule charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 4th day of November 2008:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO REQUIRE CANDIDATES FOR ELECTED OFFICE TO SUBMIT A SWORN AFFIDAVIT DISCLOSING ADDITIONAL ACCOMPANYING INFORMATION AT THE TIME OF FILING NOMINATING PETITION.

Said ordinance of the City of Memphis was adopted on the _____ day of _____, 2008, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

That at such time that a candidate for elected office submits a nominating petition for said office, a sworn affidavit will accompany such petition listing the following: all business related bankruptcies the candidate has filed; any liens assessed by any entity including, but not limited to, the Internal Revenue Service, or any state, city or county governmental agency; and any convictions in any court, state or federal, for a crime(s) which is classified a felony in this state. Any candidate failing to submit such a sworn affidavit in form and content satisfactory to the election commission at the time of filing his or her nominating petition shall be disqualified from becoming a candidate for elected office and the election commission may refuse any nominating petition that does not comply with this provision.

FOR (YES)
AGAINST (NO)

Section 5. Effective Date of Charter Amendment

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 4th day of November, 2008, the public welfare, requiring it.

Section 6. Certification of Results.

BE IF FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting –Conflicting Laws.

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication.

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of City Ordinance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have been passed by the Council signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

SCOTT McCORMICK
Chairman