

February 5, 2014

City of Hohenwald Tennessee
Mayor Johnny Clayton
118 W. Linden Avenue
Hohenwald, Tennessee 38462

VIA ELECTRONIC MAIL

Dear Mayor Clayton:

As you are aware, Tennessee Code Annotated § 2-6-205 authorizes cities to require nonresident property owners to cast their vote in a municipal election by absentee ballot. This statute, which became effective July 1, 2011, reads as follows:

§ 2-6-205. Municipal elections; non-resident property owner

In the case of individuals who, pursuant to § 2-2-107(a) are registered to vote in a municipality as nonresident property owners, the municipal legislative body may, by ordinance, direct such voters to cast the municipal ballots as absentee by mail ballots. Any municipal ordinance adopted pursuant to this section must be adopted and filed with the county election commission office no later than sixty (60) days before the election. Upon the filing of the municipal ordinance, a nonresident property owner may not thereafter vote in the election except by absentee ballot. No later than forty-five (45) days before the election, the election commission shall mail a notice to each voter registered as a nonresident property owner of the municipality advising the voter of the voting process and include an application for ballot for the municipal election. The election commission shall maintain a record of the municipal ordinance and shall not require a municipality to adopt subsequent ordinances, unless the municipality has repealed such ordinance since the last election.

At your request, a search of our municipal code database (231 cities) was undertaken for the purpose of identifying cities requiring non-resident property owner voting by absentee mail ballot. Only one city – Mount Pleasant – has opted to require this voting practice. MTAS Research and Information Center staff also did a federated search of other Tennessee city codes not maintained by us (13 cities) with none requiring absentee mail balloting.

The Mount Pleasant provision is codified as Sec. 1-503:

1-503.Non-resident property owners. In accord with Tennessee Code Annotated, § 2-6-205, the City of Mount Pleasant, Tennessee non-resident property owners shall cast their municipal ballots as absentee mail ballots. (as added by Ord. #2013-956, March 2013)

Please let me know if you require any additional assistance on this matter.

Very truly yours,



Jeffrey J. Broughton
Municipal Management Consultant