

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE
April 9, 2018 Session

FILED
04/10/2018
Clerk of the
Appellate Courts

**LUDYE N. WALLACE v. METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY, TENNESSEE ET AL.**

**Chancery Court for Davidson County
No. 18-0254-I**

No. M2018-00481-SC-RDM-CV

JUDGMENT

We assumed jurisdiction over this appeal pursuant to Tennessee Code Annotated section 16-3-201(d)(1) and Rule 48 of the Rules of the Tennessee Supreme Court and ordered expedited briefing and oral argument. This case was specially heard on April 9, 2018.

Upon consideration of the record on appeal from the trial court, the briefs of the parties, and the arguments of counsel, we hold that section 15.03 of the Metropolitan Charter requires that a special election be set to fill the vacancy in the Office of Mayor of Metropolitan Nashville and Davidson County. The Davidson County Election Commission therefore acted in contravention of the Charter in setting the election on August 2, 2018, and the trial court erred in denying Mr. Wallace's claims for relief and dismissing this case.

Accordingly, the judgment of the trial court is reversed. The Commission is hereby ordered to set a special election in accordance with Tennessee Code Annotated section 2-14-102(a). This opinion is not subject to rehearing under Tennessee Rule of Appellate Procedure 39, and the Clerk is directed to certify this opinion as final and to immediately issue the mandate.

Costs of this appeal are taxed to the Metropolitan Government of Nashville and Davidson County, Tennessee and the Davidson County Election Commission, for which execution may issue if necessary.