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candidate to qualify as a write-in candidate unconstitutional and void; and, or in the alternative,

4. Declare the early voting period held by the Knox County Election Commission for the Knox County Primary Election and early ballots cast prior to the deadline for a candidate to qualify as a write-in candidate unconstitutional and void.

Facts

1. Plaintiff is a candidate for the Republican Nomination for the office of Sheriff of Knox County Tennessee.

2. Plaintiff is a resident of Knox County Tennessee.

3. Plaintiff is a registered voter in Knox County Tennessee.

4. Plaintiff is a taxpayer in Knox County Tennessee.

Knox County Term Limits

5. The Charter of Knox County published by Knox County Tennessee provides:

Sec. 8.17. Term limits.

A. Effective January 1, 1995, no person shall be eligible to serve in any elected office of Knox County if during the previous two terms of that office the person in question has served more than a single term. Service prior to the passage of this measure shall not count in determining length of service. Judges are exempt from this provision.

Timothy Hutchison

6. Timothy Hutchison has served four terms in the office of Sheriff of Knox County Tennessee.

7. Timothy Hutchison is disqualified to be a candidate for the office of Sheriff of Knox County Tennessee for a fifth term by Knox County Charter Term Limits because Timothy Hutchison has served more than one full term during the past two terms of that office.

Constitution and Laws

8. The Knox County Election Commission as to Timothy Hutchison qualifying and running for a fifth term for the office of Sheriff of Knox County, has acted, and is continuing to act, in violation of the Constitution of Tennessee Article I, § 5, Article I, § 8, and Article IV, § 2, and the First and Fourteenth Amendments to the United States Constitution, hereinafter referred to "constitutional rights".

9. The actions of the Knox County Election Commission have in the past, and continue to, unduly burden Plaintiffs' constitutional rights as a candidate and as a voter for the Republican Nomination for the office of Sheriff of Knox County.

10. The Knox County Election Commission is required to hold a qualifying period as a part of the election mechanics

for all offices for political party nominations by primary election in Knox County.

11. The Knox County Election Commission held a qualifying period for office of Republican Nomination for Sheriff of Knox County between November 18, 2005 and February 16, 2006 that allowed Timothy Hutchison to qualify for the Republican Nomination for sheriff of Knox County when Timothy Hutchison was disqualified for that office by Knox County Charter Term Limits.

Unanticipated Political Occurrence

12. On March 29, 2006 the Tennessee Supreme Court in *Bailey v. Shelby County* held Tennessee home rule county charter term limits on County Commissioners are constitutional.

13. The March 29, 2006 Tennessee Supreme Court ruling created an unanticipated political occurrence as to the Knox County Election Commission mechanics for the Knox County Primary Election scheduled for May 2, 2006.

Unconstitutional, Unlawful And Void Qualifying Election Mechanism

14. The Knox County Election Commission mechanism required that it hold a Knox County Primary Election qualifying period.

15. The qualifying period held by the Knox County Election Commission was unconstitutional, unlawful and void

because it permitted disqualified candidates, including Timothy Hutchison to qualify for offices in Knox County.

16. The Knox County Election Commission placed the name of Timothy Hutchison on a ballot for a May 2, 2006 ballot as a candidate for the Republican Nomination of the office of Sheriff of Knox County Tennessee after the unconstitutional and unlawful qualifying period held by the Knox County Election Commission.

17. The qualification of Timothy Hutchison by the Knox County Election Commission qualifying mechanism is void.

Unconstitutional, Unlawful And Void Election Ballot Mechanism

18. The Knox County Election Commission election mechanics required that it create a ballot based on the election mechanics of a qualifying period.

19. The ballot created by the unconstitutional and unlawful qualifying period held by the Knox County Election Commission is void.

20. As a result of the unconstitutional qualifying period mechanism, the Knox County Election Commission unconstitutionally and unlawfully placed the name of Timothy Hutchison on the void ballot for an Republican Primary Election for the office of sheriff of Knox County.

Unconstitutional, Unlawful And Void Absentee And Early Voting Election Mechanisms Before Write-In Qualifying Deadline

21. The deadline for a resident of Knox County to qualify as a write-in candidate is the end of business on April 12, 2006.

22. Knox County absentee voting began on March 23, 2006.

23. Knox County early voting began on April 12, 2006 at the beginning of business.

24. The Knox County Election Commission unlawfully and in violation of Plaintiff's constitutional rights, and the constitutional rights of voters in Knox County, began absentee voting and early voting prior to the deadline for a resident of Knox County to qualify as a write-in candidate.

25. The Knox County Election Commission's absentee and early voting mechanisms conducted prior to the time for a write-in candidate to qualify is unconstitutional and void.

Denial Of Equal Protection Of The Laws

26. On March 31, 2006, the State of Tennessee through its Coordinator of Elections, instructed the Knox County Election Commission that Tennessee Law prohibits the Knox County Election Commission to adjust the date for the May 2, 2006 Knox County primary election to correct its unconstitutional and unlawful qualifying and ballot election mechanisms.

27. The State of Tennessee applies the election laws of Tennessee unequally for voters in different counties in Tennessee.

28. The State of Tennessee changed the date of an election in Madison County Tennessee.

29. Plaintiff's constitutional rights, and the Constitutional rights of the voters in Knox County Tennessee to the equal protection of the laws of the State of Tennessee guaranteed Plaintiff, and the voters of Knox County Tennessee, by the Fourteenth Amendment to the United States Constitution and Article I, Section 8 of the Constitution of Tennessee are being violated by the State of Tennessee, through its Coordinator of Elections, Attorney General and the Knox County Election Commission.

Other Unduly Burdensome Laws Are Unconstitutional

30. Any other State law or Knox County Charter law applied by the Knox County Election Commission to unduly burden Plaintiff's, and the voter's constitutional rights to write in candidates for the office of Knox County are unconstitutional were same unduly burdens the constitutional rights of Plaintiff and the voters of Knox County.

WHEREFORE Plaintiff sues pursuant to T.C.A. § 2-25-102 for the following alternative relief:

1. That pursuant to T.C.A. § 29-25-102(1) this Court issue an alternative writ of mandamus to the Knox County Election Commission commanding it to forthwith remove the name of Timothy Hutchison from the Knox County primary ballot for the Republican nomination for the office of Sheriff of Knox County for a primary election on May 2, 2006 or any adjusted date for the Knox County primary election; or, in the alternative and if this relief is not granted,

2. That pursuant to T.C.A. § 29-25-102(1) this Court issue an alternative writ of mandamus to the Knox County Election Commission to show cause on April 12, 2006 at 1:30 p.m., or at a date set the Court as soon as possible thereafter, why the Knox County Election Commission should not be commanded to remove the name of Timothy Hutchison for the Republican nomination for the office of Sheriff of Knox County for a primary election on May 2, 2006 or any adjusted date for the Knox County primary election; or, in the alternative if this relief is not granted,

3. That this Court issue an alternative writ of mandamus to the Knox County Election Commission to adjust the date of the date for Knox County Primary Election from May 2,


2006 until June 19, 2006; or, in the alternative if this relief is not granted,

4. That this Court issue an alternative writ of mandamus to the Knox County Election Commission to show cause to show cause on April 12, 2006 at 1:30 p.m., or at a date set the Court as soon as possible thereafter, why it should not be commanded to adjust the date of the date for Knox County Primary Election from May 2, 2006 until June 19, 2006; or, in the alternative if this relief is not granted, and

5. That pursuant to T.C.A. § 29-25-104 the alternative writ of mandamus command the Knox County Election Commission to forthwith provide notice to any party claiming interest in the matter in controversy.

6. That Plaintiff has such other and further relief as he may be entitled including attorney fees.

THIS IS THE FIRST APPLICATION BY PLAINTIFF FOR EXTRAORDINARY RELIEF.



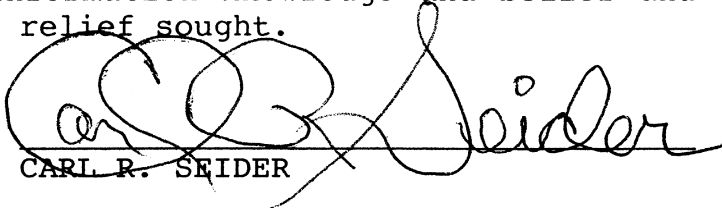
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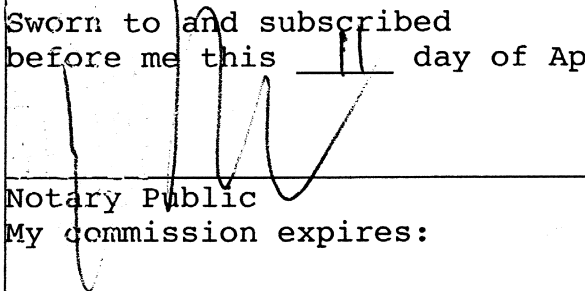
Acknowledgment

State of Tennessee)
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) ss
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County of Knox)

I hereby make oath that the averments of the foregoing are true to the best of my information knowledge and belief and that I am justly entitled to the relief sought.


CARL R. SEIDER

Sworn to and subscribed
before me this 11 day of April 2006.



Notary Public
My commission expires:

NOTICE

Plaintiff will present the application for T.C.A. § 29-25-102(1) alternative writ of mandamus to Chancellor John Weaver at the Knox County Chancery Court, Part I, at 8:30 a.m. on APRIL 12, 2006 for as soon thereafter as Plaintiff can be heard.



HERBERT S. MONCIER

COST BOND

I hereby acknowledge myself as surety for the cost of this cause as provided by law.



HERBERT S. MONCIER