

IN THE CHANCERY COURT OF MADISON COUNTY, TENNESSEE

FILED

IN RE:

May 6, 2003, City of
Jackson, Tennessee,
General Elections

MAY 05 2003
BY [Signature] CLERK & MASTER
DEPUTY CLERK 4:00
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Docket No. _____

PETITION TO POSTPONE THE CITY OF JACKSON, TENNESSEE,
GENERAL ELECTIONS SCHEDULED FOR MAY 6, 2003

COMES NOW the Madison County Election Commission ("Commission") and submits this sworn petition to postpone the City of Jackson, Tennessee, general elections scheduled for May 6, 2003. In support of this petition, the Commission would show unto the Court as follows:

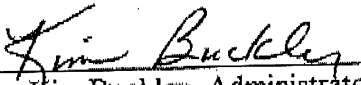
1. The general elections for elected offices of the City of Jackson, Tennessee, are scheduled to occur on Tuesday, May 6, 2003.
2. On the night of Sunday, May 4, 2003, and the morning of Monday, May 5, 2003, the City of Jackson, Tennessee, was struck by a natural disaster. A violent storm moved through the city and the county of Madison, and a tornado or tornadoes left a path of destruction through parts of the City, including the downtown area of the City. Many areas of the city were left without electrical or other utility services.
3. The Commission desires for a fair election to occur and believes that such an election cannot occur given the physical property damage sustained by residential and commercial areas of the City. Many homes have been damaged or destroyed, and lives have perished as a result of the storm.
4. All candidates have been contacted (or attempted to be contacted) by telephone regarding the postponing of the election. Of those contacted, none objected to the postponement.
5. There are seventeen (17) polling precincts designated for voting by city residents

on May 6, 2003. Of the seventeen (17), the Commission is aware that as many as six (6) have sustained damage or are without telephone service and/or utility services.

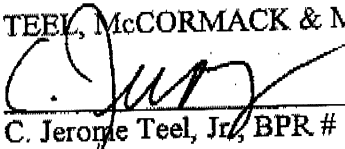
6. The Commission desires that the election scheduled for Tuesday May 6, 2003, be postponed and delayed for a period of two (2) weeks, and be conducted on Tuesday, May 20, 2003. Further, the Commission desires that the Commission be directed to protect and preserve the early votes and absentee by-mail votes from counting, tampering, or being inspected in any way, until the election, as postponed, is conducted. Lastly, the Commission request that no absentee by-mail vote be accepted unless received, by mail, on May 6, 2003, and that no further early voting be allowed.

Respectfully submitted, this the 5th day of May, 2003.

MADISON COUNTY ELECTION COMMISSION

By: 
Kim Buckley, Administrator
Of Elections, Madison County,
Tennessee

TEEL, McCORMACK & MARONEY, P.L.C.


C. Jerome Teel, Jr., BPR # 16310
Attorney for Petitioner
87 Murray Guard Drive
Jackson, TN 38305

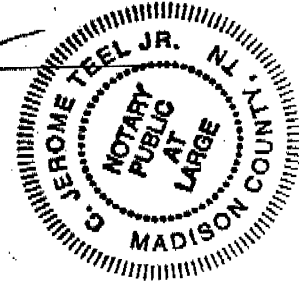
STATE OF TENNESSEE
COUNTY OF MADISON

I swear or affirm that the information contained in this petition is true and correct to the best of my knowledge.

Kim Buckley
Kim Buckley

Sworn to and subscribed before me this the 5th day of May, 2003.

[Signature]
Notary Public



My Commission Expires:
1-26-2004

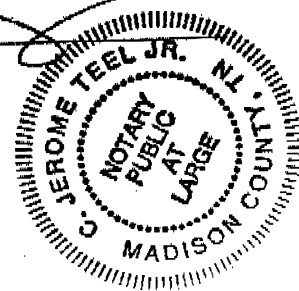
STATE OF TENNESSEE
COUNTY OF MADISON

I swear or affirm that the information contained in this petition is true and correct to the best of my knowledge.

Carlton Carneal
Carlton Carneal

Sworn to and subscribed before me this the 5th day of May, 2003.

[Signature]
Notary Public



My Commission Expires:
1-26-2004

IN THE CHANCERY COURT OF MADISON COUNTY, TENNESSEE

IN RE:

May 6, 2003, City of
Jackson, Tennessee,
General Elections

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Docket No: _____

(Entered May 5, 2003)

ORDER GRANTING PETITION TO POSTPONE THE GENERAL
ELECTIONS OF THE CITY OF JACKSON, TENNESSEE, SCHEDULED
FOR MAY 6, 2003, AND TEMPORARY INJUNCTION

THIS MATTER came on for consideration before the Court on the Petition filed by the Madison County Election Commission ("Commission") to postpone the general elections for the City of Jackson, Tennessee, scheduled for Tuesday, May 6, 2003. The Court reviewed the petition filed by the Petitioner, heard testimony from Kim Buckley, the Administrator of Elections for Madison County, Tennessee, and heard testimony from Carlton Carneal, Chairman of the Madison County Election Commission. Based on the petition and the testimony of the witnesses, the Court finds that the violent storms that struck the City of Jackson, Tennessee, during the night of Sunday, May 4, 2003, and the morning of Monday, May 5, 2003, have resulted in power outages, damages to polling places and other related problems that prohibit the Commission from conducting an election that would protect the integrity of the process. The Court finds that it should exercise its equitable powers and enjoin and postpone the City of Jackson, Tennessee, general election scheduled for May 6, 2003.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Madison County Election Commission be, and the same hereby is, enjoined from conducting the general elections for the City of Jackson, Tennessee, on May 6, 2003.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the general elections for the City of Jackson, Tennessee, be conducted on Tuesday, May 20, 2003, during the same

hours as originally scheduled for May 6, 2003.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Commission be, and the same hereby is, ordered to protect and preserve the early votes and absentee by-mail votes and that those votes shall not be counted, tampered with or inspected in any way, until the election is conducted.

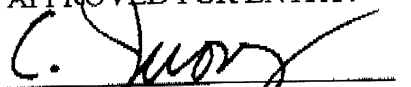
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the deadline for receipt of absentee by-mail votes shall not be altered or changed and that only those absentee by-mail votes received by the Commission on or before May 6, 2003, by mail, shall be counted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the time period for early voting has already expired, and that no further early voting shall be allowed even though the general election is being postponed as described in this Order.

SO ORDERED AND ADJUDGED this the 5th day of May, 2003.


JUDGE DON ALLEN, Sitting by Interchange

APPROVED FOR ENTRY:


C. Jerome Teel, Jr., BPR#16310
Attorney for Petitioner