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ANNEXATION - TENNESSEE

Tigrett v. Cooper

United States District Court, W.D. Tennessee, Western Division - March 17, 2014 - Slip Copy - 2014 WL 1025639

[Tenn.Code Ann. § 7-2-106\(b\)-\(d\)](#) provides that any metropolitan charter cannot be adopted unless it is approved by both a majority of the qualified voters residing in the principal city in the county and a majority of the qualified voters residing outside the principal city in the county. This is referred to as the dual-majority voting requirement.

A referendum was held regarding the formation of a metropolitan government comprised of the consolidated governments of the City of Memphis and Shelby County. A majority of the residents of Shelby County voted against the proposal and a majority of the residents of Memphis voted to approve the proposal.

After the failure of the referendum, plaintiffs filed a complaint alleging that Tennessee's dual-majority vote requirement violated the Fourteenth Amendment, the Fifteenth Amendment, and section two of the Voting Rights Act of 1965. Plaintiffs alleged that the dual-majority voting requirement violates the Fourteenth Amendment in two ways: by diluting the vote of minority voters in the City of Memphis and by diluting the vote of residents of the City of Memphis as a whole.

The District Court dismissed, finding no civil rights violation.