

# Minutes of the Davidson County Election

June 20, 2012

The Davidson County Election Commission (DCEC) met at 10:00 a.m. in the Metro Office Building. Commissioners Lynn Greer, Eddie Bryan, Patricia Heim, Steve Abernathy, and A.J. Starling were present. DCEC staff members present included Administrator of Elections (AOE) Albert Tieche, Joan Nixon, Lionel Barrett, Tom Cunningham, Nicole Smith, Betty Gilbert, Courtney Mott, Bill Hyden, Bobby Medley, and Kelley Harrison. Also present was Nicki Eke of the Metropolitan Department of Law.

Chairman Greer convened the meeting.

**Approve May 10, 2012 meeting minutes:** Commissioner Starling made a motion to approve the minutes of the May 10, 2012 meeting. The motion was seconded by Commissioner Abernathy and passed unanimously.

**Certify Oak Hill Election:** Commissioner Bryan made a motion to certify City of Oak Hill Election which was held on June 12, 2012. Austin McMullen received 151 votes. The motion was seconded by Commissioner Abernathy and passed unanimously.

**Review electronic poll books during Oak Hill Election:** The Oak Hill election went very well with the electronic poll books. Those voters were receptive of the new technology and it took approximately 30 seconds to access the voter's record and the voter was off to the voting machine. AOE Tieche informed the board on June 7, 2012 a letter was mailed to all forty (40) councilmembers informing them of the use of electronic poll books and that at least one Electronic Poll book will be in each councilmatic district. An email was sent to the Officer of Elections who worked in March that will have electronic poll books in August. Electronic Poll Books will be deployed in 59 precincts with each Council district having the equipment in at least one precinct of the district. The selected precincts total approximately one-third of the county's registered voters.

**Williamson County Election Commission lawsuit decision regarding Early Voting site:** Commissioners were informed that the Williamson County Election Commission is likely to appeal the decision preventing them access to the City of Brentwood Library for a satellite early voting site for the August 2012 election. Commissioner Heim made a motion requesting the Metropolitan Department of Law to file an amicus brief in support of the WCEC action. Commissioner Bryan seconded the motion and it passed unanimously.

**Handling returned voter ID cards after redistricting:** AOE Tieche stated that all active voters will be mailed a new voter registration card and roughly 15% will be turned back to our office as "undeliverable" (due to cards not being forwarded). This is an indicator that the voter has moved and under normal procedures pursuant to federal and state law, the voter status is changed to "inactive". During the summer TACEO conference, the State Coordinator announced his office agreed not to purge voters with an "inactive" status due to inactivity until after the November election. Commissioners agreed it was unclear if the DCEC is prohibited from making voters inactive when "undeliverable" voter registration cards come back to the DCEC office. Discussion ensued and the Commissioners requested

AOE Tieche send a letter to Coordinator Goins indicating the DCEC plans to modify voter status based on returned mail pursuant to the provisions of Section 1973gg of the 1993 National Voter Registration Act

**Change in law firm association for outside legal representation:** Chairman Greer informed the board that both attorneys, Melvin Malone and Kara Shea, of the law firm Miller & Martin (which represents the Commission in the action initiated by Jeanette Gates) has left that firm and are now part of the law firm of Butler & Snow of Jackson, Mississippi. Commissioner Heim made a motion to continue retaining said attorneys. The motion was seconded by Commissioner Abernathy and passed unanimously.

**Approving additional new polling locations:** Bobby Medley presented the board with four (4) new polling locations for the board to approve: *5-1 Trinity Lane United Methodist Church; 14-3 & 14-4 Hermitage First Baptist Church; 32-3 Lakeshore Christian Church; and 33-4 Gilroy Church of Christ.* Commissioner Bryan made a motion to approve the polling locations as presented. The motion was seconded by Commission Abernathy and passed unanimously.

**Election Day appointments/approval-August 2, 2012:**

- a. *Election Day poll officials*—Commissioner Heim made a motion to approve list of Republicans workers without specific assignment information. Motion was seconded by Commissioner Abernathy. Commissioner Bryan made a motion to approve list of Democratic workers without specific assignment information and the motion was seconded by Commissioner Starling. Commissioner Heim made a motion to approve list of Independent workers without specific assignment information and the motion was seconded by Commissioner Starling. All three (3) motions passed unanimously.
- b. *Early Voting poll officials*—Commissioner Heim made a motion to approve Republican Early Voting poll officials and the motion was seconded by Commissioner Abernathy. Commissioner Starling made a motion to approve Democratic Early Voting poll officials and the motion was seconded by Commissioner Bryan. Commissioner Heim made a motion to approve Independent Early Voting poll officials and the motion was seconded by Commissioner Starling. All three (3) motions passed unanimously.
- c. *Inspectors*—Commissioner Heim made a motion to approve Republican Inspectors and the motion was seconded by Commissioner Abernathy. Commissioner Starling made a motion to approve the Democratic Inspectors and was seconded by Commissioner Bryan. Both motions passed unanimously.
- d. *Nursing Home Deputies*—Commissioner Heim made a motion to approve Republican Nursing Home Deputies and the motion was seconded by Commissioner Abernathy. Commissioner Starling made a motion to approve Democratic Nursing Home Deputies and the motion was seconded by Commissioner Bryan. Both motions passed unanimously.
- e. *Absentee Counting Board*—Commissioner Heim made a motion to approve Republican Absentee Counting Board and the motion was seconded by Commissioner Abernathy. Commissioner Bryan made a motion to approve Democratic Absentee County Board and the motion was seconded by Commissioner Starling. Both motions passed unanimously.
- f. *Provisional Ballot Counting Board*—Commissioner Heim made a motion to approve Republican Provisional Ballot Counting Board and the motion was seconded by Commissioner Abernathy. Commissioner Bryan made a motion to approve Democratic Provisional Ballot Counting Board and the motion was seconded by Commissioner Starling. Both motions passed unanimously, but it was noted that the Commissioners will serve as

the Provisional Counting Board if the total of Provisional Ballots cast during Early Voting and on Election Day are less than 100.

- g. *Prison Deputies*—Commissioner Heim made a motion to approve Republican Prison Deputies and the motion was seconded by Commissioner Abernathy. Commissioner Bryan made a motion to approve Democratic Prison Deputies and the motion was seconded by Commissioner Starling. Both motions passed unanimously.
- h. *Approve Machine Ballots*—Commissioner Heim made a motion to approve the machine ballot as presented. The motion was seconded by Commissioner Abernathy and the motion passed unanimously.

**Set Provisional Counting Board date:** Commissioner Heim made a motion to set the provisional counting board date for August 7, 2012 at 10:00 a.m. at Metro Southeast. The motion was seconded by Commissioner Abernathy and the motion passed unanimously.

**Poll Watcher class discussion:** Discussion ensued among the board in regards to holding a poll watcher class before the August 2, 2012 election. Commissioner Abernathy made a motion to hold a poll watcher class on Sunday, July 29 subject to space availability and Commissioner Heim’s schedule. The motion was seconded by Commissioner Bryan and passed unanimously.

**Directors & Officers Insurance Coverage:** Discussion ensued among the board regarding purchasing Directors & Officers Insurance which would cover anyone on the board who was sued in an individual capacity rather than an employee. Lionel Barrett is expecting a quoted price for “Employment Practices Liability” insurance in the next few days and will report back to the Commission.

*Chairman Greer had to leave the meeting so Commissioner Bryan convened the meeting as Chairman.*

**Preliminary Discussion of November Early Voting Sites:** Bobby Medley presented the board with a list of nine (9) confirmed early voting sites for the November election: *DCEC office, Edmondson Pike Library, Bordeaux Library, Madison Library, Hermitage Library, Green Hills Library, Bellevue Community Center, Coleman Park Community Center, and Belle Meade City Hall*. The list also included six other sites for consideration. The board previously voted to have twelve (12) satellite sites plus the DCEC office. Bobby Medley asked the board for more suggestions for early voting sites.

**Budget Presentation:** Bill Hyden reported that the DCEC is within budget and expect to have an EOY (End of Year) budget surplus totaling \$400,000 – that surplus represents one-half of the funding used to purchase the electronic poll books. Redistricting requirements are finalizing for this fiscal year (on-going into FY13) as mailers for each registered voter are to be printed, mailed, and verified. August 2012 election will impact our FY12 budget-fringes as we begin our processes/requirements in May-June 2012.

**Propose change to mission statement:** Deferred to next meeting

**Administrator’s Reports:** None stated

**Any old/new business:** Commissioner Abernathy attended the Summer TACEO Conference in Lebanon and distributed literature regarding procedures for county election commissioners.

**Set date for next meeting:** August 13, 2012 at 1:00 p.m.

**Review registration cards:** Not necessary since commissioners previously reviewed quarterly maximum at earlier meetings.

**Lock early voting ballot boxes:** Handled after meeting adjourned

**Adjourn:** Having no further business, the meeting adjourned.

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Lynn Greer, Chairman

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A.J. Starling, Secretary

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Patricia Heim, Member

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Eddie Bryan, Member

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Steve Abernathy, Member