

# Minutes of the Davidson County Election Commission

September 4, 2012

The Davidson County Election Commission (DCEC) met at 3:00 p.m. in the Sonny West Conference Room of the Howard Office Building. Commissioners Lynn Greer, Patricia Heim, Eddie Bryan, Steve Abernathy, and AJ Starling were present. DCEC staff members present included Administrator of Elections (AOE) Albert U. Tiede, Lionel Barrett, Nicole Smith, Joan Nixon, Bill Hyden, Courtney Mott, Tom Cunningham, Gaye Hudson, Beverly Crabtree, Bobby Medley, Carlatina Hampton, and Kelley Harrison. Also present was Nicki Eke of the Metropolitan Department of Law.

Chairman Greer convened the meeting.

**Approve August 13, 2012 meeting minutes:** Commissioner Bryan made a motion to approve the August 13, 2012 meeting minutes as presented. Commissioner Abernathy seconded the motion and it passed unanimously.

**Deployment of Electronic Poll Books (EPBs) for November 6, 2012:** AOE Tiede presented the board with a tutorial presentation of the EPB's and explained the voting procedures on Election Day. It was stated that sixty (60) precincts had electronic poll books and the other one-hundred (100) had paper poll books. In the presentation, AOE Tiede went over the three (3) precincts that failed to follow the proper procedures using the EPBs by not asking the voter which primary ballot they preferred and issue the incorrect application for ballot. If an incorrect application for ballot was issued to a voter, the precinct registrar is to spoil the incorrect application for ballot and issue the corrected one in order for the machine operator to load the correct ballot for the voter. It was explained, however, that information from the voting machines indicate that the machine operators in these three (3) precincts appeared to have ignored the primary election indicated on the printed application for ballot and asked each voter to state his/her primary preference before setting the machine ballot for the voter. This has led to a mismatch between voter participation history per ballot application records and the number of primary ballots actually cast on the voting machines. Kathy Rogers, Senior VP of ES & S (Election Systems & Software) informed the board that changes have been made to the EPB software in regards to primary elections and "not" having a primary pre-selected to a particular party. In order to move onto the next step of printing an application for ballot, a primary "must" be physically selected by the polling place election worker. Chairman Greer asked Kathy Rogers, "If anybody at the Davidson County Election Commission instructed you to set up the software in the manner in which it was set up?" Kathy Rogers responded, "No, no one from the Davidson County Election Commission asked ES & S to set up the EPB in the manner in which it functioned." Commissioner Bryan made a motion to reconsider previous action made in the August meeting to deploy EPB's countywide. The motion was seconded by Commissioner Heim and passed unanimously. Discussion ensued among the board. Nicki Eke of the Metropolitan Department of Law cited TCA 2-7-112 and TCA 2-11-212 regarding issuance of electronic poll books within the parameters set by the State Coordinator of Elections. Commissioner Heim made a motion "not" to deploy EPBs countywide in November for issuing applications for ballot but utilize the EPB's "solely" as a lookup tool for re-directs and processing change of address and Inactive status voters. The motion was seconded by Commissioner Bryan. The motion passed 4-1 (Commissioner Abernathy voted no).

**Election Day appointments/approval-November 6, 2012:** Item deferred to next scheduled meeting.

**Approve names for ballot for local (non-state) elected offices:** Commissioner Heim made a motion to approve names as presented for the county and municipal city elected offices. The motion was seconded by Commissioner Starling and passed unanimously.

**Need for supplemental military/overseas ballots for Metro Charter amendments as per TCA 2-6-503(b)(1):** AOE Tiede informed the board that military/overseas ballots by law must be mailed forty-five (45) days before the election which is September 21, 2012. Metro Charter Amendments will not be approved until September 18, 2012. TCA 2-6-503(b)(1) has a provision to seek permission from the State Coordinator (which has been sought) to mail supplemental military/overseas ballots. Military/overseas ballots will be mailed timely but will not have the metro charter amendments. A second ballot will be mailed to the military/overseas voters with the metro charter amendments.

**Set provisional counting board date:** AOE Tiede recommends the provisional counting board meet November 13, 2012 at 9 a.m. Commissioner Heim made a motion to set meeting of provisional ballot counting board on said date. The motion was seconded by Commissioner Bryan and passed unanimously.

**Approve additional early vote site(s):** Chairman Greer stated that several months ago the DCEC requested and Metro Council approved a budget to fund thirteen (13) early voting sites. It has been challenging to secure all 13 sites. There were three (3) sites the commission was considering but was declined by all three. Discussion ensued among the board. Commissioner Starling

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made a motion to add Friendship Baptist Church as the 12<sup>th</sup> early voting sit with the same schedule as the other eleven sites. The motion was seconded by Commissioner Bryan and passed 4-1 (Chairman Greer voted no).

**Approve satellite COA (change of address) sites for Election Day:** Due to an expected large number of address and Inactive voter status changes on Election Day, AOE Tieche recommends having satellite COA (change of address) locations. The recommended sites are: *Edmondson Pike Library, Madison Library, Hermitage library, Green Hills library and Metro Office Building*. Commissioner Heim made a motion to approve said five (5) COA satellite locations for November 6, 2012. The motion was seconded by Commissioner Abernathy Commissioner Starling made a motion to add a sixth (6<sup>th</sup>) satellite COA site; Commissioner Bryan seconded the motion. Motion failed on a 3-2 vote with Commissioners Abernathy, Greer and Heim voting against the motion and Commissioners Bryan and Starling voting for the motion. Commissioner Heim then made a motion to replace the Green Hills Library site with Bordeaux Library; Commissioner Starling seconded the motion and it was approved unanimously by all Commissioners.

**Administrator's Reports:** Nothing additional

**Any old/new business:** None stated

**Set date for next meeting:** September 13, 2012 at 3:00 p.m.

**Review registration cards:** Not necessary since maximum review for quarter completed at August meeting.

**Adjourn:** With no further business being discussed, the meeting adjourned

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Lynn Greer, Chairman

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A. J. Starling, Secretary

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Eddie Bryan, Member

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Patricia Heim, Member

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Steve Abernathy, Member