

Davidson County Election Commission

April 22, 2024 12:00 p.m.

The Davidson County Election Commission (DCEC) met at 12:00 p.m. in the Green Hills Conference Room at Metro Southeast. Commissioners Jim DeLanis, Tricia Herzfeld, Will Burns, Dan Davis, and A. J. Starling were present.

DCEC staff members present included Administrator of Elections (AOE) Jeff Roberts, Lisa Pierce, and Kelley Harrison.

Also present were Nicki Eke and Courtney Mohan of the Metropolitan Legal Department.

Chairman DeLanis convened the meeting.

Public Comments

James Garrett

Approve minutes from March 19, 2024 meeting

Motion stated: Commissioner Burns made a motion to approve the March 19, 2024 meeting minutes as presented.

Seconded by: Commissioner Starling

Outcome of motion: Passed unanimously

Consider protocol for signature challenge

The Commission received a draft of the Standard Rules of Order for Candidate Signature Challenge and a draft Affidavit form in their packet. These rules may be altered at the discretion of the Commission.

Each person who will be providing information to the Commission must swear or affirm that the information or testimony given is true and accurate to the best of their knowledge.

Discussion ensued.

Motion stated: Commissioner Herzfeld made a motion to approve the rules and affidavit as presented.

Seconded by: Commissioner Davis

Outcome of motion: Passed unanimously

(The adopted rules and affidavit form will be made part of the official minutes.)

State guidance document: Verifying Petition Signatures

DCEC has received guidance from the State Coordinator of Elections on how to verify petition signatures. This guidance has been used since 2014. The document specifies how staff are to make decisions on petition signatures utilizing voter registration records. The comparison could involve electronic signatures, everyday signatures, and/or official signatures.

AOE Roberts suggested this document be added to the record.

Motion stated: Commissioner Herzfeld made a motion to add the Verifying Petition Signature document to the official records.

Seconded by: Commissioner Burns

Outcome of motion: Passed unanimously

AOE Report

AOE Roberts went over the petition signature challenge timeline. He described the two evidence submission deadlines and how the submissions would be shared with the parties and the Commission.

Schedule next meeting for challenge hearing

AOE Roberts recommended May 2 at 6:00 p.m. at the Howard Office Building. This date was the only day when all Commissioners could meet. The 6:00 p.m. time was chosen due to availability of the Sonny West Room and to ensure that potential witnesses could participate.

Motion stated: Commissioner Herzfeld made a motion to set the date and time for the challenge hearing to May 2, 2024 at 6:00 p.m.

Seconded by: Commissioner Burns

Outcome of motion: Passed unanimously

Adjourn

With no further election business to discuss, Commissioner Herzfeld made a motion to adjourn.

Seconded by: Commissioner Davis

Outcome of motion: Passed unanimously

Tricia Herzfeld, Secretary



DAVIDSON COUNTY ELECTION COMMISSION

615-862-8800

615-862-8810 (fax)

TTY-1-800-848-0298 or Relay 711

www.nashville.gov/vote

Standard Rules of Order for Candidate Signature Challenge

Up to 5-minute opening statement by challenger

Up to 5-minute opening statement by candidate

Up to 30-minute presentation of facts by challenger

*Questions from Commission members

Up to 30-minute presentation of facts by candidate

*Questions from Commission members

Up to 5-minute closing statement by challenger

Up to 5-minute closing statement by candidate

*Discussion by Commission members

*Vote by Commission members

Notes:

- These Standard Rules of Order may be altered at the discretion of the Commission.
- Each person who will be providing information to the Commission must swear or affirm that the information or testimony given is true and accurate to the best of their knowledge.

*To fulfill his statutory duties under Tenn. Code Ann. § 2-11-202, the Coordinator of Elections reserves the right to ask questions, make comments, and/or request documents.

Rev 4.22.2024

State of Tennessee
Davidson County Election Commission
1417 Murfreesboro Pike
Nashville, TN 37217

Affidavit

STATE OF TENNESSEE

DAVIDSON COUNTY

Comes the Affiant _____
Printed Name

Street Address Date of Birth

I, _____, the undersigned affiant, being sworn, hereby certify that the statements made below are true and correct. I also understand that these statements are made under oath and are subject to the penalties of perjury:

Signature of Affiant Date

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____, 20_____

Verifying Petition Signatures

June 2014

I. Introduction

- A. Threshold question: Is there sufficient evidence that a registered voter has signed the petition?
- B. Determined by looking at three factors:
 - 1. Registration status
 - 2. Signature comparison
 - 3. Address comparison
- C. Relevant statutes: Tenn. Code Ann. §§ 2-1-107, 2-5-101(b), and 2-5-151.
- D. The signature checking process must not be arbitrary, and a court has held that adhering to these clear statutory standards is not arbitrary (*State ex rel. Potter v. Harris*)

II. Marking Signatures

- A. Use a system that makes sense to you (and to others). A uniform system makes questions easier to answer once the process is complete, as you will not only be able to tell candidates how many invalid signatures there were, but also why.
- B. One example may look like this:
 - 1. **YES** Valid signature
 - 2. **YES-SAME** Valid signature with new address in same precinct
 - 3. **NR** Not registered
 - 4. **NO-S** Invalid signature
 - 5. **OUT** Outside city limits
 - 6. **NO-A** No legal address given
 - 7. **NO-P** Wrong precinct based on address
 - 8. **NO-D** Duplicate signature

III. Registration Status

- A. An active voter and an inactive voter are both registered voters. Therefore, a signature on a petition by an inactive voter should be treated and evaluated the same as one of an active voter.
- B. When finding that the signature of an inactive voter must be counted, the voter's registration record should be updated to active status.
- C. If an active or inactive voter's address on a petition is different from the address listed on the petition:
 - 1. You will not change the voter's address in the voter registration database.
 - 2. Send the voter a letter and voter registration form to inform the voter that the address on file is different and the enclosed form may be used to update the registration.
 - 3. Sending the letter and form allows you to make changes now instead of waiting for these voters to become fail safe voters on Election Day.
- D. For liquor or wine referendum petitions, signatures of property rights voters may not be counted.

IV. Evaluation of Signatures

- A. Signing for another is prohibited – only the registered voter may sign for himself or herself.
 - 1. Spouses may not sign for each other.
 - 2. Someone possessing a general power of attorney may not sign for the person who granted the power of attorney.
 - 3. While the voter must sign the petition, the name and address may be written by another individual.
- B. Regular Signature vs. Legal Signature
 - 1. Tenn. Code Ann. § 2-1-107(c) requires that a person's regular signature must be accepted just as such person's legal signature would be accepted.
 - 2. Examples
 - a) "Mark K. Goins" signs petition "*M. K. Goins*" – COUNT IT

- b) “Elizabeth A. Henry-Robertson” signs petition “*Beth Henry*” – COUNT IT
- c) “Kathryn R. Summers” signs petition “*Kathy Summers*” – COUNT IT

C. Printed Name vs. Signature

- 1. If voter printed his or her name on the permanent voter registration record, then the printed name on the petition must be counted.
- 2. If voter signed his or her name on the permanent voter registration record, then the printed name on the petition may be counted if the printed name provides sufficient evidence that it has been written by the registered voter in question. You may have to look at the whole voter registration form.
- 3. Examples
 - a) Permanent voter registration record reflects printed signature of “Cara E. Harr” and the voter prints “Cara E. Harr” on the petition – COUNT IT
 - b) Permanent voter registration record reflects signature of “*Andrew W. Dodd*” and the voter signs the petition “*Andrew W. Dodd*” – COUNT IT (Because A, W, D, d match, you are able to reasonably conclude the voter signed the petition.)
 - c) Permanent voter registration record reflects signature of “*Andrew W. Dodd*” and the voter prints “Andrew W. Dodd” on the petition – this signature will only count if there is sufficient evidence that it was written by the registered voter, such as the printed name matching handwriting on the voter registration form.

V. Evaluation of Addresses

A. General Rule - Tenn. Code Ann. §§ 2-1-107(a) and 2-5-101(b)(2)

- 1. The signer of a petition must include the address of such person’s residence as shown on such person’s voter registration card in order for the person’s signature to be counted.
- 2. The address can be used to attempt to determine the name of the voter if the signature is illegible.

3. Failure to examine the address has been held to be a violation of the statute (*State ex rel. Wise v. Judd*, 655 S.W.2d 952).

B. Exceptions to the General Rule:

1. Address on petition differs from address on voter registration:
 - a) Same precinct & political jurisdiction – COUNT IT
 - b) Different precinct or political jurisdiction – DON'T COUNT IT
2. Address on petition provides more detail than voter registration:
 - a) If no conflict exists in the addresses – COUNT IT
3. Address on petition contains street address, but not apt number:
 - a) Street address is sufficient – COUNT IT
4. Address on petition contains a route address:
 - a) If address on voter registration card is a route address – COUNT IT
 - b) Address on voter registration card is street address
 - (1) Change due to E911 conversion – COUNT IT
 - (2) Change due for unknown reason
 - (a) If in same precinct – COUNT IT
 - (b) If in different precinct – DON'T COUNT IT
5. Address on petition is a P. O. Box – DON'T COUNT IT
6. Address on petition only lists the city of residence:
 - a) City all in one precinct – COUNT IT
 - b) City composed of multiple precincts – DON'T COUNT IT
7. Address on petition only lists street name, but not street number:
 - a) Street all in one precinct – COUNT IT
 - b) Street runs into two or more precincts – DON'T COUNT IT
8. Dittos used to designate address – DON'T COUNT IT