Davidson County Election Commission

May 19, 2014

The Davidson County Election Commission (DCEC) met at 3:30 p.m. in the Green Hills Conference Room on May 19, 2014 at Metro Southeast. Commissioners Ron Buchanan, Jennifer Lawson, Tricia Herzfeld, A.J. Starling, and Jim DeLanis were present. DCEC staff members included Administrator of Elections (AOE) Kent Wall, Joan Nixon, Bobby Medley, Bill Hyden, Carlatina Hampton, Jeremy Greene, Mary Meikrantz, Meredith McKay, and Kelley Harrison. Nicki Eke of the Metropolitan Department of Law was also in attendance.

Chairman Buchanan convened the meeting.

Approve Minutes from April 10, 2014 Meeting

Motion stated: Commissioner Starling made a motion to approve the minutes from the April 10, 2014 meeting as presented with any necessary corrections.

Seconded by: Commissioner Lawson

Outcome of motion: Passed unanimously 4-0 (Commissioner DeLanis was not present at the time of voting.)

Review of the Performance by Poll Workers, Staff, EPB's and Vendors-May 6, 2014 Election

AOE Wall summarized the results of the past election stating that two things have to happen for an election to be successful: (1) lots of people; and (2) lots of expensive and complicated equipment coming together at an appointed place and time. If those two things can be brought together then the end result will be good. AOE Wall explained the duties of the different poll official positions and their specific training and stating that on Election Day there were 1,205 poll workers most of whom were paid \$8.57 per hour and \$15.00 per training session and working a 14 to 16-hour day. A timeline for the May election was noted from recruiting, recertification from the State to use the electronic poll books (EPB's), development of training material, training, supply pick up, and finally, Election Day.

With regards to the EPB's, there were 78 reported issues which consisted of printer/battery problems, training related issues, and worker error. Further, there was a data transfer issue. The process in place called for the DCEC to transfer the data involving early voting records to Election Systems & Software (ES & S) which in turn returned this data to the DCEC so that the flash cards could be "burned" and inserted in the EPB's for Election Day. That procedure was not followed. The DCEC sent the data correctly to ES & S but the returned data was less than what was initially sent, a failure on the part of ES & S. DCEC failed to verify the returned data, so some of the early voting records for a part of the early voting period were not included on the flash cards. This issue was brought to the attention of the DCEC around 10:00 a.m. on Election Day. Technicians from ES & S and the DCEC talked through the issue including options. DCEC elected to go forward with the election process as planned. The back-up was the paper poll books which were available at the poll location. During post-election analysis on May 7, 2014, the DCEC discovered that six (6) voters had voted twice (those who voted early and again on Election Day).

In going forward, the DCEC will stress the following procedures: change of address, proper hooking up of the EPB's and printers, quality control check of election equipment supplies and data transfer.

Commissioner Herzfeld asked questions regarding specific Election Day concerns which were brought to her attention and various DCEC staff members responded to her questions.

Discussion ensued further among the board regarding the May 6, 2014 County Primary Election.

Chairman Buchanan addressed the issue of how to handle the six (6) voters who voted twice on May 6, 2014.

Discussion ensued among the board.

Motion stated: Chairman Buchanan made a motion to refer the names of the six (6) voters who voted twice on Election Day to the District Attorney for investigation and any necessary action.

Seconded by: Commissioner Lawson **Outcome of motion:** Passed unanimously

Certify May 6, 2014 Primary Election

Motion stated: Commissioner Lawson made a motion to certify the results from the May 6, 2014

County Primary.

Seconded by: Commissioner Starling **Outcome of motion**: Passed unanimously

Appointment/Retention of Outside Legal Counsel regarding Rollow Mickle Lawsuit

A lawsuit was filed against the DCEC and Chairman Buchanan from a former employee of the DCEC. Nicki Eke, Metropolitan Government of Nashville & Davidson County attorney, explained it is the Commission's decision as to who will represent them in the lawsuit.

Discussion ensued among the board.

Motion stated: Commissioner DeLanis made a motion to give the Chairman discretion to decide whether he needs separate outside counsel and give authority to him to proceed (if necessary) at the expense of the commission.

Seconded by: Commissioner Herzfeld

Outcome of motion: Passed 4-0 (Chairman Buchanan abstained from voting)

Motion stated: Commissioner Starling made a motion to have Metro Legal represent the Davidson

County Election Commission in said lawsuit. **Seconded by**: Commissioner DeLanis

Outcome of motion: Passed unanimously

Oak Hill Election (June 10, 2014)

The board was presented with a list of workers for the City of Oak Hill Election.

Motion stated: Commissioner Herzfeld made a motion to approve the list of Election Day workers for the City of Oak Hill Election as presented.

Seconded by: Commissioner Lawson **Outcome of motion**: Passed unanimously

The board was presented with a list of workers for the Absentee/Provisional Counting Board for the City of Oak Hill Election.

Motion stated: Commissioner Herzfeld made a motion to approve the list of Absentee/Provisional

Counting Board as presented.

Seconded by: Commissioner Lawson **Outcome of motion**: Passed unanimously

(DCEC minutes continued - May 19, 2014)

The date and time to unlock the Oak Hill Absentee Ballot box was set for June 10, 2014 at 9:00 a.m. and the Absentee Counting Board will meet on the same date and time.

The date and time to unlock the Oak Hill Provisional Ballot box was set for June 13, 2014 at 9:00 a.m. and the Provisional Counting Board will meet on the same date and time.

Discuss Special Concerns for the August Election

AOE Wall noted that the new FY'15 final budget, including the August Election, involve a great many unknowns. Due to an anticipated heavy turnout, there's a special burden put on early voting to reduce congestion on Election Day. At this point, the DCEC is not certain of the exact funding for the August Election. The DCEC has proposed one figure; the Mayor has proposed another and the difference is over \$200,000. The DCEC proposed in the budget one (1) early voting site for fourteen (14) days and eleven (11) sites for six (6) days.

AOE Wall has a scheduled meeting with Rich Riebeling, Director of Metro Finance, and Councilman Ronnie Steine on May 20, 2014 regarding the overall budget and in particular, funding for early voting.

Old/New Business

New: A records request from Steven Hale, reporter with the Nashville Scene, for emails communications between AOE Wall and DCEC Commissioners for a specific period of time has been received.

Administrator's Reports

- a. State Grant for Voting Machine Rental: Approved by Metro Council. State Contract was completed on May 16, 2014. Metro Purchasing is in the process of completing the agreement. The target date for completion is May 30, 2014. Contract will be completed by the council meeting set for July 17, 2014.
- b. FY'15 Budget Process: Discussed timeline from this meeting through final council meeting on June 16-17.

Set Date and Time for Next Meeting

Motion stated: Chairman Buchanan made a motion to call the next DCEC meeting for June 13, 2014 at 3:30 p.m.

Seconded by: Commissioner DeLanis **Outcome of motion**: Passed unanimously

Adjourn

Motion: Commissioner Starling made a motion to adjourn the meeting.

Seconded by: Commissioner Herzfeld **Outcome of motion**: Passed unanimously

Tricia Herzfeld, Secretary		