

Minutes of the Davidson County Election Commission

April 26, 2012

The Davidson County Election Commission (DCEC) met at 2:00 p.m. in the Metro Office Building. Commissioners Lynn Greer, Eddie Bryan, Patricia Heim, A. J. Starling, and Steve Abernathy were present. DCEC staff members present included Administrator of Elections (AOE) Albert Tieche, Joan Nixon, Lionel Barrett, Tom Cunningham, Courtney Mott, Bobby Medley, and Kelley Harrison. Also present was Nicki Eke of the Metropolitan Department of Law.

Chairman Lynn Greer convened the meeting.

Approve March 21, 2012 meeting minutes: Commissioner Starling made a motion to approve minutes of the March 21, 2012 meeting. The motion was seconded by Commissioner Abernathy and passed unanimously.

Oak Hill City Election: Commissioner Starling made a motion to approve the City of Oak Hill machine and paper ballots to elect one (1) city Commissioner. The motion was seconded by Commissioner Abernathy and passed unanimously. The appointment of Election Day workers, polling location, and polling hours were deferred to the next meeting. AOE reported that since there is only one (1) candidate qualified for the election there will be no early voting prior to the June 12 election day. Commissioner Heim referenced a newly enacted statute that allows municipal voters assigned to a polling place outside the boundaries of the municipality to be re-directed to the polling place that is geographically closest for municipal elections held independent of any other election. AOE Tieche was directed to ensure that the DCEC is fully compliant with TCA in determining which polling places to open for the June 12 City of Oak Hill election.

August nominating petition anomalies: Joan Nixon informed the board that Mr. Will Pinkston is a candidate for School Board District 7 and candidates for that must file proof of graduation from high school or receipt of a GED (TCA 49-2-202). Mr. Pinkston submitted a Certificate prepared by the National Student Clearinghouse indicating he graduated from the University of Tennessee in lieu of a copy of a high school diploma. The aforementioned document must meet the satisfaction of the Commission. Commissioner Heim made a motion to accept the National Student Clearinghouse documentation for Will Pinkston. The motion was seconded by Commissioner Abernathy and passed unanimously.

Joan Nixon informed the board that Mr. Hillyard Wilkins is a candidate for School Board District 7 and is also a member of the Davidson County Democratic Executive Committee. According to the Metro Charter, a candidate may not hold an elective or appointed public office. Commissioners reviewed a 2000 TN Attorney General concerning school board candidate qualifications. Commissioner Bryan made a motion affirming that Mr. Hillyard Wilkins' position on the local political party Executive Committee is not deemed an elected or appointed public office. The motion was seconded by Commissioner Starling and passed unanimously.

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Redistricting: Bobby Medley addressed the board regarding the precinct lines. Based on the new lines, Davidson County will have 160 voting locations (90 *private and 70 public locations*). Tom Cunningham informed the board that June 1, 2012 is his due date to finish re-districting. Commissioner Heim expressed concern about changing polling place locations so close to the City of Oak Hill election and asked that care be taken to comply with state law prohibiting changes within 10 days prior to a scheduled election.

Electronic Poll Book update: Representatives from ES & S, Metro Legal, and Metro Purchasing have been working on the final details of the written contract regarding the Electronic Poll Books. The delivery and funding still remains to be finalized. Bill Hyden stated the negotiated cost of the Electronic Poll Books will be \$777,441.05. The Department of Finance has appropriated \$400,000 in 4% capital funds in FY 11-12 to partially fund the purchase. The balance of the funding will be provided in the FY 12013 budget. AOE Tieche indicated he hopes to use the Electronic Poll books both during Early Voting as well as during Election Day with at least a partial deployment in the August election with full deployment for the November election. He indicated the State Coordinator of Elections has expressed some reservations about the introduction of this equipment in the 2012 election cycle and he continues to address that office's concerns.

Review of Saturday, February 18th Early Voting closing error: AOE Tieche read a prepared statement concerning the closing of the Early Voting sites on February 18th during the Presidential Preference Primary. Several comments from the Commissioners followed. Chairman Greer read an excerpt from the October 26, 2012 meeting minutes that clearly stated the Davidson County Election Commission was to be open for Early Voting on two (2) Saturdays (which included February 18th and February 25th). Chairman Greer indicated that he and AOE Tieche had several conversations concerning this issue and that Chairman Greer had cautioned AOE Tieche that his actions were unacceptable considering the legal requirement that the DCEC must be open for two (2) Saturdays during early voting; further, in the future any action reversing a decision by the Commission must be done by a vote of the Commissioners. A copy of Mr. Tieche's statement is attached.

Administrator's Report:

•*Americans Elect petition certification* - 16,970 signatures were submitted on March 30, 2012 and 8,056 were valid. This petition was part of a group's effort to achieve recognition for party recognition at the state level and AOE Tieche had not been informed whether the group's efforts were successful

•*Response from DA regarding voter fraud cases* – DA's office is not pursuing criminal charges at this time on most cases, but one investigation is ongoing so that name is being withheld at this time.

•*TACEO Spring Meeting* - April 23, 2012 in Lebanon, TN – AOE Tieche and Commissioner Abernathy attended and indicated it was a productive learning experience.

Any old/new business: (Old business) – The State Election Commission asked the DCEC to prepare a separate certification of official write-in candidates receiving votes in the March 6, 2012 PPP election. Commissioner Heim made a motion to approve vote results as presented for official certified write-ins. The motion was seconded by Commissioner Starling and passed unanimously.

Set date for next meeting: Thursday, May 10, 2012 at 2:00 p.m.

Review registration cards: Agenda item deferred to next meeting.

Adjourn: There being no further Commission business, the meeting adjourned.

Lynn Greer, Chairman

A J Starling, Secretary

Patricia Heim, Member

Steve Abernathy, Member

Eddie Bryan, Member