

Election Commission Meeting
August 27, 2001

Upon call duly made and notice given Chairman Lane called the meeting to order with all members present except for Commissioner Walden who was out of town.

The minutes of the previous meeting of August 13, 2001 were approved on a motion by Commissioner Kliner and seconded by Commission Waller.

New Business:

After much discussion on the longevity plan for county employees Commissioner Kliner made a motion to move forward to get the Election Commission included into the longevity pay and to do what ever the county said to do to get the Election Commission employees opted in. Commissioner Kliner said the he would set this motion aside and go with Commissioner Johnson's motion to make every attempt to bring the employees of the Election Commission equal to the other county employees and this was seconded by Commissioner Kliner. Each Commissioner said that they would like to see the plan as it is written out. Attorney Summers said he felt that the Commission was on sound legal ground.

Chairman Lane told the Commission about a copy of Senator Dodd's Federal bill that would require each election commission to send a sample ballot to every registered voter. If you look at Hamilton County, we put a sample ballot in the local paper before early voting starts and three days before the election. Then the local newspaper puts in one on there own with their recommended candidates. From the local standpoint with 188,000 voters to mail out to and you look at postage and the cost of printing he doesn't see the need. Chairman Lane appointed Commissioner Johnson to look into this matter. Commissioner Johnson said that they were giving some grant monies to cover the cost of printing and mailing.

Commissioner Kliner asked Administrator Jackson about Provisional Ballots. She explained that some states have implemented provisional ballots. You make provisions similar to the fail safe. The voter comes in upset because you are telling them they are not registered and are not allowed to vote and you allow them to use a provisional ballot. The ballot is then brought to the Election Commission and given to a Board. The Board consists of two (2) Democrats and two (2) Republicans. They look at each ballot and determine if this person is eligible to vote. They are either counted or not counted. Senator Dodd's bill is a Federal bill and is separate for NVRA.

Voter Verification is on schedule.

Chairman Lane said at this time nothing is official with the re-districting issue and there is no need for the Election Commission to pursue. After some discussion on the re-districting and what information the GIS has available Chairman Lane called on County Commissioner Joann Favors. Ms Favors passed out to the Election Commission some information she had. She said that there is some data that is not consistent and that 2 or 3 can make a significant difference and this is a major concern of hers at this point. She has requested that the County Commission obtain the services of an attorney and that they delay the vote on the re-districting plan that Commissioner Coker unveiled. She said that there are so many apparent legalities and rather than except a plan and the Election Commission go ahead and plot the voting precincts and then have to go back and change, she is hoping to get a 30 day extension and she is asking that the Election Commission to support her in this. County Commissioner William Cotton was called upon. He said his main question was to the attorney to get a clear understanding as to the purpose of the 1978 decision when the County Commission decided to change its form of government into a council type setting at large to a district seat at large. Was it included in it that there would or should be at least two African-American seats in there. He said that he had been doing some research and has found some, but he needed more. Attorney Summers answered by saying that the County Government intended to avoid the problems that the City Government had. That was a very extensive lawsuit and he felt that it was appropriate to set up the nine (9) districts in the county on a voluntary basis. The City of Chattanooga chose not to do that and that's what resulted in the litigation. Mr. Cotton asked if it is the responsibility of the Election Commission to see that the laws are dealt with. Attorney Summers reiterated that the County Commission must set the district lines and the responsibility of the Election Commission is only to set the precinct lines. If as a result the county lines are causing a violation then the obligations and the duties of the Election Commission is to set the precinct lines. If that should occur then this Commission would have to address that problem. Mr. Cotton wanted to be on record saying that the Election Commission by obligation of law should there be any violations occur that they address it. Chairman Lane stated that the Election Commission would follow the State election laws and those of the Federal Government. Chairman Lane called on Representative Brown and she asked what is necessary to do the precinct lines and how many staff members and what the budget is for this process. Chairman Lane answered in that if additional staff is needed that would be taken care of. At this time no one knows how much time it will take. Commissioner Kliner answered Representative Brown by saying that we do not have a process, we know that GIS has tools that are available, we know that it can be done rather quickly, we have not allocated staff yet and we do not know how much it will cost. He hopes that answered her questions.

Commissioner Kliner said that he felt that the "drop dead date" was December 31, 2001. If the Election Commission receives it on December 20, then we have 11 days and it will be done. However, with that said and with the knowledge that we will work in the time frame that is provided that he is totally against telling a political body what our opinion

is on anything. I think our charge as an Election Commission is to enforce the election laws and insure that every person is given the right to vote. Re-districting and the gerrymandering that goes on and does not go on at the state and local level is a political issue that we as an Election Commission should not express an opinion one way or another. He feels that by saying we support giving more time we begin making political statements and he feels that is wrong for them to do. He feels that the Election Commission should be absolutely silent and if any statement is made that the statement is, we will work with whatever time we have left. The County Commission must first make its decision on how it is going to proceed. Mr. Kliner feels that the Commission should be absolutely silent on the issue until the County Commission presents us with their re-districting plan. He would hope that this body would not support a resolution to tell the County Commission to take all the time that they wanted, that is a political position he feels that they will have to do with what ever time is given.

Chairman Lane explained to the Commission about a letter that was sent to Administrator Jackson from John Wolfe. He is asking to inspect the ballots that were cast in the Mayor's race last March. He expects that there will be some expense that he will incur and in order to do this he would like to meet with Carolyn and her representatives to set forth the ground rules before he makes this inspection. Chairman Lane asked Mr. Summers to take this under advisement. Commissioner Kliner made the suggestion that Carolyn respond with a very short letter asking him what statutory authority is he requesting this inspection.

There being no further business the meeting was duly and properly adjourned.

Respectfully submitted,

Michael Walden
Secretary Pro Tem

Chairman Bryan Lane

Commissioner Wesley Kliner

Commissioner Linda Johnson

Commissioner Tyrone Waller

