

Minutes
Hamilton County Election Commission
February 25, 2002

Upon call duly made and notice given Chairman Waller called the meeting to order with all members present.

The minutes of the previous meeting of February 14, 2002 were approved on a motion by Commissioner Kliner and seconded by Commissioner Johnson.

Old Business:

Administrator Jackson addressed the issue of redistricting. She told the Commission about her trip to Knoxville where she was given the House and Senate maps. There are 30 splits in the House and 9 splits in the Senate. On the Senate redistricting which affects the polling places or precincts, we must have a separate precinct for all these splits. On the House we can use two different sets of ballots, in other words we can have one set of workers and they will be responsible for distributing the ballots for both of the precincts. The Congressional may not be split. The Commission can use the same workers that we are currently using, in other words we will have two different sets of ballots in most precincts.

Brad Ledford from the GIS Department had the maps on the screen and explained the different splits. The State splits were Airport, Dupont, Lupton City, Mtn. Creek, Northwoods 1, Tyner 2, Red Bank 3, Soddy Daisy North and South.

Mr. Bryan Turner and Mr. Alan Gaston from the Data Processing Department gave an update on the Voter Registration System. Mr. Turner said that the system has been written and that they are now working on getting the street file correct to include all the streets and addresses. Because the county has never done anything together as a whole, there are lots of ways to spell different street names. At this point they have 26,000 voter addresses that are not being matched in the street index. A lot of these are misspellings and this will have to be done by hand. Chairman Waller asked how this prepares us to

send out ballots and Carolyn explained that it does not and it is an issue that will not be solved until they are completed and we have completed our part. You must know which streets go into which precincts in order to comprise the ballot order. The proper authorities have been notified, the purchasing director and the finance director. The ballot order will not go as it has in the past because we must have the ballots by April 10, 2002. The ballot is ordinarily ready to E mail the ballot layout after withdrawal deadline either that evening or the first thing the next day. That is not the case this time because of this new system and they cannot give us a definite date and this creates a problem for the Election Commission. There is no back up system now and this new one must work. The State has given a verbal agreement that the system has passed the State requirements to be certified.

Chairman Waller asked the Commission in regards to the Sheriff's race if they needed to rethink their earlier vote on the two Sheriff's candidates that did not get their P.O.S.T. material back to us. Each Commissioner had received a memo from attorney Jerry Summers which stated the three options that were available. Chairman Waller said that if they were left on the ballot that the coordinator would more than likely take them off, if they go to option 2, which is not to approve the petitions and let Mr. Quidi and Mr. Thurman sue the Election Commission, or go with option 3 and let the Election Commission file a dilatory judgment action in Chancery Court. Commissioner Kliner said that he felt as Election Commissioners that they bear a duty to make sure they do what is right. As Mrs. Johnson pointed out the last time they met was to take a step forward in this case and be more proactive than they might normally want to be. He feels that it goes without saying that the candidates do have responsibility to insure that they qualify in every manor. He suggested that they go ahead and file an declaratory judgment action. He feels that they can litigate the issue locally, attack the statute directly, it is a statute that the State has had problems with before. He feels this should be done before these candidates are certified because if they are certified it will be taken out of their hands. Mr. Summers was contacted last Thursday on the 21st and Mr. Brooks indicated to him that he was prepared to file at least on one candidate and maybe both of the candidates Mr. Summers agrees with Commissioner Kliner that cost wise it would be better to file here and it will be better for the people of the community to be aware of what is taking place. He said the duty of the Election Commission under 2-12 116 is to promote voter registration in the electoral process and all members of the Commission past and present have encouraged the people to run and have the right to vote. Mr. Summers stated that he talked with Brook Thompson last week and he does on occasion to get his input on the situation, because he is basically our lawyer. Mr. Thompson feels like it is the P.O.S.T. affidavit. Mr. Summers feels there is a problem with the statute particularly where it gives the POST Commission the authority to verify the validity of such affidavit in that form. He feels that it may or may not conflict with the right of this Commission or obligate this Commission to determine the eligibility of candidates.

Mr. Thompson said that the affidavit requirement is a condition precedent. Commissioner Johnson said that she had also spoken with Brook Thompson and he told her that the two candidates would not be put on the ballot regardless of what the Commission did. The only way to get on the ballot is for a Chancery Court Judge to put them on the ballot. She feels that they should let Mr. Brooks file a suit on their behalf. She feels that both candidates are qualified and should have the opportunity to run for the office. Mr. Thompson told Commissioner Johnson that it was really not the responsibility of the Election Commission to provide those papers, but a courtesy. Commissioner Walden said that he had a call from a state trooper from Athens, TN who also was not going to get on the ballot for the same reason. Commissioner Walden asked Mr. Quidi and Mr. Thurman if they would rather the Commission not certify in order for them to file suit in Chancery Court in the morning so they can expedite the process. Mr. Summers said that the quickest way was to have Mr. Brooks file suit on Tuesday morning in Chancery Court and ask for a temporary restraining order and let the Commission and the Coordinator of Election show cause as to why they should not be on the ballot. Commissioner Johnson asked again what the gentlemen wished to have the Commission to do. Mr. Thurman and Mr. Quidi both said they would prefer to go to Chancery Court as soon as possible.

The Commission took a five minutes recess.

Commissioner Kliner made a motion to asked our attorney, Jerry Summers to appear on our behalf if we are called to defend a suit, the candidates have requested the Commission not to certify them and they will retain their attorney, which means the Election Commission will be sued, seconded by Commissioner Johnson.

The petitions for the May 7, 2002 election were approved and accepted on a motion by Commissioner Kliner, except for Mr. Quidi and Mr. Thurman running for sheriff at their request, and seconded by Commissioner Johnson.

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

Respectfully submitted,

Secretary, Michael Walden

Commissioner Linda Johnson

Chairman Tyrone Waller

Commissioner Wesley Kliner

