

**HAMILTON COUNTY ELECTION COMMISSION  
MINUTES OF MEETING  
October 20, 2003**

**Call to Order.** Upon notice duly given, Chairman Tyrone L. Waller called to order a meeting of the Hamilton County Election Commission at 5:05 p.m. on October 20, 2003, at the office of the Hamilton County Election Commission, 514 East 4<sup>th</sup> Street, Chattanooga, Tennessee.

**Present at Meeting.** Chairman Waller, Secretary Walden and Commissioners Johnson, Kennedy and DeWitt were present at the meeting. Attorney Jerry Summers, Deputy Woods, Deputy Knowles and Administrator Dzik were present by invitation. Also present were members of the community as shown on the attached sheet.

**Approval of Minutes.** Upon motion by Commissioner Johnson, seconded by Commissioner Kennedy, the minutes of the September 3, 2003, meeting were unanimously approved.

**Approval of Petition.** Administrator Dzik presented the qualifying/nominating petition filed by John Millican, a candidate for the Chattanooga City Court Judge, Division 1 position. Administrator Dzik advised the Commission that the petition met all the statutory requirements for acceptance by the Commission. Upon motion by Commissioner Johnson to accept the petition, seconded by Commissioner Kennedy, the petition was unanimously approved and accepted.

**Hamilton County Democratic Party PAC Reports.** Administrator Dzik advised the Commission that the Hamilton County Democratic Party had not filed its 2<sup>nd</sup> and 3<sup>rd</sup> quarter 2003 reports with the office. Further, that she had spoken with Drew Rawlins with the Registry of Election Finance and he advised that the reports were required to be filed with the local office, as well as his office in Nashville. He had received the reports; however, the 2<sup>nd</sup> quarter report contained errors and he was notifying the local party that the report must be corrected and filed with his office, as well as the local office. In addition, he had not received an appointment of political treasurer indicating that a new treasurer had been elected. Upon motion by Commissioner Walden for the Administrator to send the Hamilton County Democratic Party a letter advising it that the reports were past due and must be immediately filed to prevent sanctions from being imposed, seconded by Commissioner DeWitt, the motion was unanimously approved.

**Diebold Equipment.** Administrator Dzik presented the Commission with a quote from Diebold for the 18 new Accu-Vote units and 100 memory cards, which had previously been approved by the Commission and included in the current operating budget. This quote included a discount and new server at no additional cost to the Commission. The Administrator stated that the new server would replace the existing five year old server and the older server would be used as a backup for election night. Since this was an approved capital budget expense, no further action was necessary and the Administrator was instructed to proceed with the purchase of the equipment.



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**HAVA.** Administrator Dzik advised the Commission that she had recently spoken with Secretary of State Darnell regarding the federal funding for the new equipment required by HAVA and she was advised the funding had not yet been appropriated by Congress.

**Early Voting Sites.** Administrator Dzik advised the Commission that she was in the process of inspecting potential early voting satellite locations for the February 10, 2004, election.

**Coffee County Meeting.** Administrator Dzik advised the Commission that a statewide “Share and Share Alike” Exhibit was being held in Coffee County on October 28, 2003, and that she felt it would be in the best interest of the office for the office to be officially closed on that day to allow all deputies to attend this meeting. Upon motion by Commissioner Kennedy, seconded by Commissioner Johnson, the Commission unanimously approved closing the office on October 28, 2003, and requiring all employees to attend the meeting in Coffee County.

**TACEO Winter Meeting.** Administrator Dzik reminded the Commission members that the TACEO winter meeting has been scheduled for December 15-17, 2003, in Pigeon Forge, Tennessee.

**Naturalization Ceremony.** Administrator Dzik advised the Commission that she and Deputies Gaston and Woods would be assisting with the Naturalization Ceremony scheduled on October 23, 2003, in the United States District Court, Judge Edgar presiding, by providing voter registration applications for new citizens and assisting them with the completion of the applications immediately after the ceremony.

**Clear Channel – Billboards.** Administrator Dzik presented the Commission with information received from Clear Channel Advertising requesting the Election Commission to consider purchasing billboards to advertise early voting in 2004. Administrator Dzik also presented the Commission with information relative to the Commission’s prior purchase of these billboards in 2000. After reviewing the documents, including the costs involved, the Commission declined to authorize this expense.

**City of Chattanooga.** Administrator Dzik advised the Commission that representatives of the Chattanooga City Council were present to express their opposition to the recent consolidation of the Downtown, City Hall and Courthouse precincts into one precinct.

Chairman Waller recognized Councilman Pierce, the spokesperson for the Council. Councilman Pierce advised the Commission that he did not believe the consolidation was appropriate and would disenfranchise voters on the westside of the city. Councilman Pierce referred to total population figures for this area, as well as the age of the residents.

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Administrator Dzik advised the Commission that precinct size is based upon active registered voters, not upon population figures. In addition, she advised that other areas of the county were also consolidated, upon recommendations by State and Local Government, and that the proposed voting location for the new combined precinct—to be known as Courthouse—is approximately 1.2 miles from the previous voting location of the Downtown precinct, on the same street. Further, the location is .8 miles from the previous voting location of the Courthouse precinct and the same location as the City Hall voting location.

Commissioner Johnson suggested the Commission place an early voting site in the westside area for three or four days, which suggestion was not acceptable to Councilman Pierce.

After discussion, Commissioner Johnson moved that the original Downtown precinct be restored to its original boundary and that the original City Hall and Courthouse precincts be combined into one precinct to be known as Courthouse. The motion died for lack of a second.

**Legal Issues.** Attorney Summers discussed the legal issues, as follows:

**Rita Jones Issue.** Attorney Summers advised the Commission that there were no new issues in this pending litigation.

**Newspaper Lawsuit.** Attorney Summers advised that the Court of Appeals had not yet entered a judgment in this matter.

**John Wolfe Letter.** Attorney Summers reviewed the letter received from John Wolfe, a copy of which was presented to each Commissioner. Attorney Summers was advised to follow-up with any correspondence from Mr. Wolfe.

**Adjournment.** There being no further business to come before the meeting, the meeting was adjourned.

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Michael S. Walden                      Secretary

APPROVED:

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Tyrone L. Waller                      Chairman

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Linda Johnson                      Commissioner

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William Kennedy                      Commissioner

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Luanne H. DeWitt Commissioner