

**HAMILTON COUNTY ELECTION COMMISSION  
MINUTES OF MEETING  
FEBRUARY 5, 2003**

**Call to Order.** Upon notice duly given, Chairman Tyrone L. Waller called to order a regularly scheduled meeting of the Hamilton County Election Commission at 5:00 p.m. on February 5, 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 Kliner were present at the meeting. Attorney Jerry Summers, Deputy Claude Knowles, Deputy Laura Woods and Administrator of Elections Fran 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 Walden, the minutes of the meetings held on November 14, 2002, and December 11, 2002, were unanimously approved.

**Early Voting Schedule for Collegedale Municipal Election.** Administrator Dzik recommended to the Commission that the early voting schedule for the Collegedale Municipal Election be set as follows: Beginning February 26, 2003, and continuing through March 13, 2003, from 8:00 a.m. until 4:00 p.m. Monday through Friday, and on Saturday, March 1, 2003, and Saturday, March 8, 2003, from 9:00 a.m. until 12:00 noon at the Hamilton County Election Commission. Administrator Dzik advised that Collegedale officials had not requested an off-site early voting location in Collegedale. Upon motion by Commissioner Johnson, seconded by Commissioner Walden, the early voting schedule as outlined herein for the Collegedale Municipal Election was unanimously approved.

**Locking Absentee Ballot Box.** Administrator Dzik advised the Commission that the Absentee Ballot Box should be locked by two commissioners, with one commissioner representing the majority party and one commissioner representing the minority party. Commissioner Kennedy and Commissioner Kliner assumed the responsibilities for locking the boxes and took possession of the respective keys to their locks.

**Polling Hours for Collegedale Municipal Election.** Upon motion by Commissioner Johnson, seconded by Commissioner Walden, the polling hours for the Collegedale Municipal Election were unanimously set for March 18, 2003, from 8:00 a.m. to 8:00 p.m.

**Employee Absence.** Administrator Dzik advised the Commission that Rosetta Tipton had been absent from work without leave for a period of time.

**Poll Workers for Collegedale Municipal Election.** Administrator Dzik presented the Commission with the list of proposed poll workers for the Collegedale municipal election. After review, upon motion by Commissioner Johnson, and seconded by Commissioner Kennedy, the poll workers as shown on the attached documents were unanimously approved.

**Address Verification.** Administrator Dzik advised the Commission that she had met with Bill Duff of Industrial Services in Cleveland, Tennessee, relative to the address verification process. Administrator Dzik stated that the Bradley County Election Commission contracts with Industrial Services to perform certain address verification procedures through the U. S. Postal Service's NCOA program. Further, that Mr. Duff advised that he could complete the first phase of the verification process by matching our voter lists with the NCOA list and that this procedure would cost the Commission less than One Thousand Dollars (\$1,000.00).

Commissioner Kliner requested that the Administrator obtain a formal opinion from the Coordinator of Elections as to the validity of using this process to meet the statutory requirements of address verification. No further action was taken on this issue.

**Legal.** Attorney Summers then presented the Commission with updates regarding the legal matters he was handling on behalf of the Commission.

**Investigation by TBI.** Attorney Summers advised the Commission that he had met with the TBI and was advised that a search warrant was executed at the home of Rita Jones. The affidavit for the search warrant was sealed by the issuing Magistrate. Further, that he had advised Administrator Dzik to fully cooperate with the TBI agents in their investigation and to provide whatever assistance was necessary to expedite the investigation and bring it to a conclusion.

**City of Chattanooga Judicial Vacancy.** Attorney Summers advised the Commission that he had received a letter from John Milligan regarding Mr. Milligan's residency. Mr. Summers presented the Commissioners with a draft of a letter outlining his legal opinion, as Commission attorney, regarding the residency questions raised. Upon motion by Commissioner Walden, seconded by Commissioner Johnson, the proposed letter was unanimously approved and attorney Summers was instructed to forward the letter to Mr. Milligan.

**Litigation.** Attorney Summers advised the Commission that the transcript of the hearing held in Chancery Court relative to the *Chattanooga Times-Free Press* lawsuit against the Commission had been lodged with the Clerk & Master for Hamilton County, Tennessee, and the record is in the process of being forwarded to the Tennessee Court of Appeals in Knoxville. He further advised that this appeal process would be pending for several months.

Attorney Summers advised the Commission that the transcript of the personnel hearing conducted by the Commission on behalf of fired employee Rita Jones was being prepared by the Court Reporter and would be filed with the Chancery Court. He further stated that a Motion to Strike Answer of Defendants had been filed by Ms. Jones' attorney and a hearing date had been scheduled for February 24, 2003, on said motion.

**Personnel Policies Manual.** Attorney Summers presented the Commissioners with a copy of the second draft of the Personnel Policies Manual for their review. Chairman Waller asked that the letter from Rheubin Taylor which was introduced at the personnel hearing for Ms. Jones be included in the Personnel Policies Manual.

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**Investigation by Secretary of State’s Office.** Attorney Summers advised the Commissioners that the Community Coalition of Registered Voters had filed a complaint with the Coordinator of Elections regarding the operations of the Election Commission office. Attorney Summers stated that he discussed the issues with Brook Thompson and had brought Mr. Thompson up-to-date on the issues concerning the TBI investigation.

**TACEO Meeting.** Administrator Dzik advised the Commission that the TACEO annual meeting had been scheduled for June 8 through 11, 2003, at the Knoxville Marriott.

**Diebold Election Equipment.** Administrator Dzik presented the Commissioners with documents from Diebold Election Systems regarding Diebold’s touch screen voting equipment. She advised the Commissioners that prior to the 2004 elections, the Commission would need to purchase additional Accu-Votes from Diebold.

**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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Wesley Kliner                      Commissioner