

**HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
FEBRUARY 23, 2004**

Call to Order. Upon notice duly given, Chairman Tyrone L. Waller called to order a meeting of the Hamilton County Election Commission at 5:30 p.m. on February 23, 2004, at the office of the Hamilton County Election Commission, 514 East 4th Street, Chattanooga, Tennessee.

Present at Meeting. Chairman Waller, Secretary Walden and Commissioners Kennedy, Johnson and DeWitt were present at the meeting. Attorney Jerry Summers, Deputy Knowles, Deputy Fry, Deputy Woods, Deputy DeFriese 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 Walden, seconded by Commissioner Johnson, the minutes of the February 10, 2004, meeting were unanimously approved.

Building and Parking Lot Issue. Commissioner Johnson expressed her concerns regarding the lack of appropriate parking for polling officials to return supplies on election nights and the limited warehouse space available for the election commission staff to properly perform their pre-election duties. After discussion, upon motion by Commissioner DeWitt for the Administrator and Attorney Summers to schedule a meeting with County Mayor Ramsey to discuss these issues, seconded by Commissioner Johnson, the Commission unanimously approved said motion.

Auditor's Report. Administrator Dzik presented each Commissioner with a copy of the report prepared by Hazlett, Lewis & Bieter, PLLC, independent certified public accountants. After review, upon motion by Commissioner Walden, seconded by Commissioner Kennedy, the report was unanimously approved by the Commission. A copy of said report is attached to and made a part of these minutes as if fully set out herein.

Certification of Election Results. Administrator Dzik presented the Commission with the certification of election results as follows:

Certification of Democratic Presidential Preference Primary Election Results
Certification of Republican Presidential Preference Primary Election Results
Certification of Hamilton County Democratic Primary Election Results
Certification of Hamilton County Republican Primary Election Results
Certification of Hamilton County General Election Results
Certification of City of Chattanooga General Election Results
Certification of Early Voting and Absentee Balloting

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Upon motion by Commissioner Walden, seconded by Commissioner Johnson, the Certifications were unanimously approved. The members of the Hamilton County Election Commission affixed their signatures to said Certifications. A copy of the Certifications are attached hereto and made a part of these minutes as if fully set out herein.

Legal Issues. Attorney Summers discussed the following legal issues:

Rosetta Tipton’s Claim for Unemployment Benefits. Attorney Summers stated that Ms. Tipton had applied for unemployment benefits and that the claim had been approved. It was his recommendation that the benefits award be appealed. Upon motion by Commissioner Walden for Attorney Summers to file an appeal of the benefits award, seconded by Commissioner Kennedy, the Commissioner unanimously approved said motion.

Elder Mountain Residency Issue. Attorney Summers stated that an issue had arisen regarding the legal residency status of a family on Elder Mountain. He stated that the property in question is located in both Hamilton and Marion Counties and had been annexed by the City of Chattanooga. The Hamilton County GIS Department has advised the Administrator that the residence on the property is located fully within Marion County, which would require the residents to register to vote in Marion County, with voting rights in all City of Chattanooga municipal elections. The residents were requesting to be allowed to register in Hamilton County. Attorney Summers stated that he believed this was an issue which should be addressed to the Coordinator of Elections for a legal opinion. Upon motion by Commissioner Walden, seconded by Commissioner Kennedy, the Commission unanimously approved Attorney Summers’ request to obtain a legal opinion from the Coordinator of Elections.

Recognition of Guests. Chairman Waller recognized Bob Davis and asked if he would like to address the Commission. Mr. Davis stated that he was present at the meeting in his capacity as Chairman of the Hamilton County Democratic Party. He stated that the Hamilton County Democratic Party Executive Committee had authorized him to address the Commission on behalf of the Democrats in Hamilton County regarding the Jaycee Towers voting location. Mr. Davis stated that the residents of the Jaycee Towers location expected to be able to vote without having to leave their building and that the Hamilton County Democratic Party had voted to return the voting location to that building. Mr. Davis further stated that residents of other precincts did not expect to be able to vote without having to obtain transportation and, therefore, should not be an issue.

Mr. Davis further stated that it was his understanding that if the voting location was not returned to the Jaycee Towers an early voting site would be located at that facility for future elections. A copy of Mr. Davis’s letter to Administrator Dzik is attached hereto and made a part of these minutes as if fully set out herein.

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Upon the request of Administrator Dzik, Deputy Knowles discussed the numerous problems associated with the Jaycee Towers as a voting location, including parking lot issues and resident complaints, and stated it was determined that the Central City Complex was the most feasible voting location for the residents of the Courthouse precinct.

Administrator Dzik stated that, as had been discussed on numerous occasions, the consolidation of the precincts was based upon recommendations by State and Local Government and Tennessee Code Annotated is specific as to the Commission's authority to consolidate precincts. She further stated that she had recently received telephone calls from two apartment complexes in the East Brainerd area requesting that the voting locations for East Brainerd be moved to their facilities for the convenience of their residents.

Commissioner Johnson stated that while she, as well as the other members of the Commission, was concerned about the convenience of voting locations and voters getting to the polls, the Jaycee Towers is an apartment complex and not a nursing home, assisted living facility or home for the aged. She further stated there are apartment complexes throughout Hamilton County and to establish a voting location for the convenience of residents of one facility would set a precedence to establish voting locations at all apartment complexes throughout the county. Commissioner Johnson stated that of the 43 individuals who had appeared before the Commission on January 6, 2004, only 9 of those individuals lived within the Courthouse precinct.

Commissioner Walden stated that this matter had been discussed at four separate meetings of the Commission and the Commission needed to move past this issue and go forward with the business of conducting fair elections for all the citizens of Hamilton County.

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

Michael S. Walden Secretary

APPROVED:

Tyrone L. Waller Chairman

Linda Johnson Commissioner

William Kennedy Commissioner

Luanne H. DeWitt Commissioner