

HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
May 18, 2004

Call to Order. Upon notice duly given, Chairman Tyrone L. Waller called to order a meeting of the Hamilton County Election Commission at 7:30 p.m. on May 18, 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 Johnson, Kennedy and DeWitt were present at the meeting. Attorney Jerry Summers, Deputy Knowles, Deputy Woods 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 March 29, 2004, meeting was unanimously approved.

Signal Mountain/Walden Election. Administrator Dzik advised the Commission that the polls would close at 8:00 p.m. for the Town of Signal Mountain and the Town of Walden election.

Walden Petition. Administrator Dzik advised the Commission that Walden resident David Craig had submitted a liquor referendum petition to the office for approval. Administrator Dzik stated that she and attorney Summers had reviewed this petition some time ago and that the petition met the statutory requirements. Upon motion by Commissioner Johnson, seconded by Commissioner Kennedy, the liquor referendum petition was unanimously approved.

Names on Ballot. Administrator Dzik advised the Commission that two candidates had filed nominating petitions and questions had arisen regarding the names to be printed on the ballots. Candidate Walt Ward had requested that his name appear on the ballot as "W.C. Ward" and Kenneth Simpson had requested that his name appear on the ballot as "Kenneth "Super T" Simpson. Due to the fact that Mr. Ward is a candidate in multiple counties, Administrator Dzik advised that she had requested an opinion from the State Election Commission.

The State Election Commission directed the Administrator to contact Mr. Ward and advise him that clarification was needed inasmuch as his initials are "W.D. Ward". Mr. Ward has requested that his name appear as "Walt "Combat" Ward, which has been approved by the Commission.

Secondly, based upon information obtained from the Administrator, Mr. Simpson is known as "Super T". Upon motion by Commissioner DeWitt, seconded by Commissioner Johnson, the Commission approved the listing of Mr. Simpson's name on the ballot as "Kenneth "Super T" Simpson. Commissioner Walden voted against the motion.

Hamilton County Election Commission – Minutes of Meeting May 18, 2004 –

Page 2

Scheduling Meeting. Administrator Dzik advised the Commission that she would be on vacation through Memorial Day. Further, the certification of the election must be completed by Monday, May 31, 2004, which is a holiday. Therefore, Administrator Dzik requested the Commission to set the date of the next meeting for the purpose of certifying the election results. The Commission scheduled the meeting for Wednesday, May 26, 2004, at 5:00 p.m. Administrator Dzik advised the Commission that Deputy Woods and Deputy Knowles would be present at the meeting to present the certifications.

Scanning Equipment. Administrator Dzik advised the Commission that the paperwork had been submitted for the purchase of license agreements and scanning equipment, pursuant to the current operating budget.

Precinct Modifications. Administrator Dzik advised the Commission that the GIS Department provided her with information regarding the Summit precinct which indicated that this precinct is partially in the City of Chattanooga. Due to the problems incurred with a split ballot for the voters in this area, Administrator Dzik recommended the creation of a Summit 1 precinct for the county residents and a Summit 2 precinct for the city residents. Upon motion by Commissioner Kennedy, seconded by Commissioner Johnson, the Commission unanimously approved the recommendation of the Administrator.

Precinct Polling Place Modification. Administrator Dzik asked Deputy Knowles to discuss with the Commission the issues concerning the Stuart Heights polling location. Deputy Knowles advised the Commission that the current polling location (Girl Scout Cabin) cannot accommodate the two precincts voting in that location and he recommended the polling location be moved to the Rivermont Presbyterian Church. Upon motion by Commissioner DeWitt, seconded by Commissioner Johnson, the recommendation to move the polling location to Rivermont Presbyterian Church was unanimously approved.

Newspaper Advertising. Administrator Dzik advised the Commission that the prior Administrator had entered into an Advertising Agreement with the local newspaper on June 23, 2000, which was an automatically renewing contract. Administrator Dzik advised the Commission that, upon learning of the contract, she had contacted the attorney for the Commission. Attorney Tom Greenholtz (with the Summers law firm) had reviewed the contract and it was his recommendation that the Commission submit notice to the newspaper that it was canceling the contract. Administrator Dzik was advised to submit a letter to the newspaper to cancel the contract.

Legal Issues. Attorney Summers discussed the following legal issues:

Rosetta Tipton's Claim for Unemployment Benefits. Attorney Summers stated that Ms. Tipton had appeared in Court on April 19, 2004, and voluntarily dismissed her lawsuit. Attorney Summers stated that Judge Thomas had entered an order of dismissal.

Redistricting. Attorney Summers presented the Commission with copies of a recent decision regarding redistricting and stated that the opinion would be relevant if the County Commission pursued its proposed redistricting, specifically related to District 6.

Hamilton County Election Commission – Minutes of Meeting – May 18, 2004 –

Page 3

Hatch Act. Attorney Summers discussed a recent opinion regarding violations of the Hatch Act as it relates to individuals seeking partisan public office while being employed by a federal agency or an agency receiving federal funding.

Elder Mountain Residency Issue. Attorney Summers stated that he had been contacted by an attorney for the Holmbergs regarding the recent opinion from the State Coordinator of Elections as to their legal residence.

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