

**HAMILTON COUNTY ELECTION COMMISSION  
MINUTES OF MEETING  
March 10, 2010**

**Call to Order:**

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8:15 a.m. on March 10, 2010 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

**Prayer:** Commissioner Lewis

**Pledge of Allegiance:** Chairman Walden

**Present at Meeting:**

Commissioners, Walden, Summers, Lewis, and Anderson were present at the meeting. Attorney Chris Clem, and the staff of the Election Commission, as well as members of both parties. Commissioner Bennett was not in attendance..

**Approval of Minutes**

**Commissioner Lewis** made a motion to approve the minutes  
**Secretary Summers** seconded.

**New Buisness**

**Charlotte Morgan** stated that we have gotten our workers for the May 5<sup>th</sup> election and will be having training on the 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> of March at 10:00 am and 2:00pm. The ballots have been approved by the state and will be ordered this week if the fellows haven't already done so, and I have spoken with Ken Blankenship with the county purchasing and asked him for a van to deliver the supplies to the early voting sites. We didn't care what it looked like as long as it would get us to where we needed to go. He said he would put our name on the list and he would be on the lookout. **Commissioner Anderson** asked where the sites would be. Charlotte stated that they would be Northgate, Brainerd Rec and here in the early voting room. Our Early voting at northgate will be down next to the science theater on the belk end. **Chairman Walden** stated that you recommend those sites but the board votes on where they are and that has been the case in the past.

**Charlotte** stated that yes, and the hours also needed to be voted on.

**Charlotte Mullis-Morgan** further recommended Mon-Sat 10:00-6:00pm at Brainerd and Northgate. Mon-Fri 8:00am -6:00pm and Sat 9:00am-6:00pm at the election commission.

**Chairman Walden** asked were those the same hours as has been in the past?

**Charlotte Mullis-Morgan** stated that yes it was.

**Commissioner Anderson** stated he had two questions, first of all has any consideration been given to St. Elmo? **Charlotte Mullis-Morgan** stated that yes it has in the past and there wasn't that much participation. That is why we keep Brainerd Rec for that part of town, Northgate for the north and here and here is pretty close to anywhere downtown **Chairman Walden** stated that it used to be at the election commission. **Commissioner Anderson** said his second question was the homes for the elderly can vote by mail. **Charlotte Mullis-Morgan** stated that yes they can if they request it. They have to request that though. Commissioner Anderson aslo asked did the nursing homes have that information? **Charlotte Mullis- Morgan** stated that yes they do and that we go to the facilities and vote who ever wants to vote. **Chairman Walden**

stated that when we go there has to be two people one from each party and the voters had to be able to be able to write and all we can't just mark their ballot for them.

**Chairman Walden** further stated that one of the things a decade ago when he got on the commission was moving the voting sites from one location to another and we have gotten out of that. If you change the location or the hours and it confuses people and we keep it the same so we can get the most voter turnout. **Commissioner Anderson** asked did we have free public service announcements that the elderly can vote by mail? **Charlotte Mullis-Morgan** stated that it was in the newspaper, we have notice of elections and there will be one this week. We have done it in the past. Chairman Walden stated that we would talk about that and figure out how to do it but the ads we run in the paper we pay for, we also run them in other papers as well correct? **Charlotte Mullis-Morgan** stated that no we only run one in the Chattanooga Times Free Press and that it was the largest one. **Laura Cross** stated that the radio and tv was invited to every meeting and that the news channels do carry when and where you vote and the times as well as John Wilson (The Chattanooga). **Commissioner Lewis** made a motion to approve the times and locations for early voting, **Commissioner Summers** seconded.

**Commissioner Anderson** asked that since it was some of the commissioners first election would it be possible to have the staff run over the process for them. **Chairman Walden** stated that yes they could do so.

**Charlotte Mullis-Morgan** stated that if he wanted after the meeting he could go in the back and Scott & Nate would show them at that time.

### Legal Matters

Attorney Clem stated that at the last meeting or the meeting before that, you asked me to do a couple of things. First of all to contact the Governor's office on the chancellor's position, invite the party chairs to this meeting. Which I've done. We have Jeff Brown is here from the Democrat party and Deloris Vincent is here from the Republican party, I have also spoken with Matthew Bryant who is the current chair of the party. He just got a big promotion at covenant college and is having a hard time getting to these events due to his promotion. I have talked to the governors office several time as well as Steve Elkins who is his chief legal council. I have spoken to Mark Goins who is the State Elections Coordinator several times and to Chancellor peoples and the court house number of times. The problem in a nut shell is this. With the Chancellor having resigned his resignation will be effective March 31, 2010. There will probably be an election in August to replace him and finish out his term until 2014. Judges have 8 yrs terms. The regular 8 yr term starts in 2014. The governor needs to issue an writ of election until that happens we are not gonna do anything until he governor issues the writ, cause there is a chance he won't issue it on time and we wont have an election in August. Steve Elkins has said they probably will issue it in early April. If that is the case we will have the election in Aug. The problem is that the filing deadline is April 1, 2010. So under the code the state election coordinator can expand the qualifying deadline for that position. It would probably have a filing deadline in May ( a qualifying deadline) The problem with that is obviously there will not be time for the primary for a number of reasons. You have to get ballots out 45 days ahead you have early voting, the ballots have to be printed. The governor needs to issue the writ now if we were going to have a primary(needs to be the middle of March.) **Chairman Walden** asked did the governor say why he wasn't going to issue until then? **Attorney Clem** stated that yes if you look at the code section, it does say when the position is vacated. I have spoken with the attorney and the state election

commission and they also spoke with the attorney general and they have a reasonable interpretation and it means that the resignation not only needs to be effective, but that he needs to be out of the office March 31<sup>st</sup> before they felt comfortable issuing the writ of election and that they have never done it before, they have always waited until the person has actually resigned. I think they could issue it now and be okay but they don't feel comfortable with that and I can understand that. It causes us problems and the candidates problems. They want to be their parties nominee and want to know when the caucuses are gonna be or when the primary will be. I've told them there won't be a primary the best I can tell and it will be caucuses and that puts problems on the parties. It is my recommendation that you tentatively have your caucuss by late April. We need at the election commission a letter from your party designating who your nominee will be by the middle of May. As long as it is issued in early April I would recommend the parties have their caucuses by late April or early May so you can give this commission notification of who your nomination will be. We can't do anything until the writ has been issued.

**Chairman Walden** asked attorney Clem at the last meeting to check on the hatch act applied to a city worker running for legislature, were you able to find anything out? **Attorney Clem** stated that it does not apply to city employee's running or serving in the legislature. There are currently three firemen serving in the legislature. He further stated that if the city had a problem with it that was between the employee and the city but the federal and state government does not have a problem with it.

**Chairman Walden** asked if any of the guests had any questions. They did not.

**Charlotte Mullis-Morgan** stated that we may need to have a called meeting in August. We have sent the ballot to the state and they have okayed it and we have sample ballots out here. **Chairman Walden** stated that in the past the commission has approved on the ballots before being sent to the state. I say this because of a couple of snafos we had last time in ballot printing, so as a matter of insurance for all of us and the attorney look at and approve the ballots before sending to the state.

The republican women's group has asked that I come and speak and I want the Democratic party to know that we are available for the same thing to them as well.

**Commissioner Lewis** made a motion to adjourn  
**Secretary Summers** seconded.

**The Meeting was adjourned.**

Next Meeting: Wednesday April 14, 2010

APPROVED:

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Jerry Summers Secretary

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Michael S. Walden Chairman

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JB Bennett Commissioner

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Brandon Lewis Commissioner

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James Anderson Commissioner