

**HAMILTONCOUNTY ELECTION COMMISSION**  
**MINUTES OF MEETING**  
October 12, 2011

**Call to Order:**

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8:00 am on October 12, 2011 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee

Invocation: Commissioner Braly

Pledge of Allegiance: Chairman Walden

Present at Meeting:

Commissioners Walden, Braly, Summers, Crangle and Anderson and Attorney Clem were present at the meeting, as well as staff of the Election Commission, members of the media and public.

Approval of Minutes:

**Commissioner Braly** made a motion to approve the minutes.

**Secretary Summers** seconded.

New Business:

**Administrator Mullis-Morgan** stated that the county commission will make an amendment to the resolution to go along with the new redistricting lines in county commission district three only for the March election, So March & August will be the same. When they do this they will notify the election commission and then we can notify the voters.

**Attorney Clem.** They already have the lines but only district three will be on the ballot.

**Secretary Summers** stated I think we should take some proactive action be it press release etc. to make certain the people in that district listening to tv or whatever are duly informed.

**Administrator Mullis-Morgan** stated once the county commission votes on the amendment, we can send out letters and new cards to those involved.

**Chairman Walden** stated could you (Administrator Mullis-Morgan) get with Attorney Clem and draft a press release and send to all the news agencies so we have the exact wording etc., so there is no confusion.

**Commissioner Anderson** asked if the March election would be the first election that the voter ID law would be in place.

**Administrator Mullis- Morgan** stated that yes it will be.

**Commissioner Anderson** stated are we making sure that the people know this?

**Administrator Mullis-Morgan** stated that we are doing everything we can to notify them. We have added 138,000 flyers to the epb bills beginning today. We also have it on the ads. We have been to the Chattanooga Housing Authority twice.

**Chairman Walden** said he wanted to recognize and thank Representative Favors for being at the meeting today and asked if she had anything to bring to the table.

**Representative Favors** stated that at this time she did not.

**Chairman Walden** asked Secretary Summers about an email that Attorney Clem was copied on, questions for the election commission as it relates to the ID cards.

**Secretary Summers** stated that he was approached about some questions and I suggested she send them to attorney Clem. I think her questions were answered

**Attorney Clem** stated he also thought her questions were answered.

**Chairman Walden asked** attorney Clem if there was any value in us putting together the top 10 questions or concerns as it relates to this, so that if they have questions or concerns about this they can have access to that answer? Maybe post it, exactly what you need in laymans terms?

**Administrator Mullis-Morgan** stated that Ansley Haman of the Times Free Press has put that in the [paper several times- what is needed and what is not needed.

**Chairman Walden** than asked could we could have signs made for all the voting locations or a letter that goes out to explain to them what is needed?

**Administrative Mullis-Morgan** stated that she has sent out 138,000 flyers with the EPB bills. Every household not businesses, will have them in the electric bills starting this week.

**Chairman Walden** asked if they thought Carta would allow them to put something on the side of the buses?

**Commissioner Braly** stated that she knew the state was trying to do as much as they can do to try and get the word out. She then asked is the state not going to do some type of brochure?

**Administrator Mullis-Morgan** stated that yes they are supposed to. They are also doing a town hall meeting in all 95 counties on November 1, 2011 and ours will be @ 10:00 am at the election commission, and will be held in the early voting room. We will have a short video from Mark Goins that goes through the process and then answer questions.

**Commissioner Anderson** stated that at one time you had talked interms of getting the secretary of states pamphlet blown up and laminated and put in public places, is it possible to get that done before the March election?

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

### **Legal Matters**

**Attorney Clem** stated that at this point we do not have any legal matters. He then stated that he did meet with county Attorney Rheubin Taylor and the GIS map people about trying to streamline the lines to prevent precincting two or three people. It had nothing to do with the over all political plans.

**Paul Smith** stated that he appreciated that the commission was trying to clarify the lines in district three. It seems like for ten years we have known there would be redistricting and the county commission has the responsibility to make it clear and precise lines and we are still here trying to adjust the lines in district three. I think there is 300 people who have been moved from district 1 into the district three in the north east end of the county and one of them wants to run but they are not really sure of the district one or three. This makes it a legal matter for them and they don't want to fill out a petition and hand it in and it look like they didn't know which district they were in. I don t believe anything has been sent out to let the people know they have been moved from district one to district three yet has there?

**Administrator Mullis-Morgan** stated that nothing has been mailed out yet, as soon as the county votes on the resolution we will mail out letters and new voter registration cards

**Paul Smith** stated it was amazing to him that the only district where we have an appointed county commissioner and the only district where we had to have clear and precise lines is still in question where the boundry lines are. There is confusion out there and I don't think it is brought about by this board but there is confusion. Another problem is that it would appear the people who go to get their ID at the highway department, the workers are more concerned with what they didn't bring instead of what they did bring. He further stated that

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for example people who used to live in Ooltewah and now live downtown and don't drive will their old drivers license with their old address be accepted?

**Administrator Mullis-Morgan** stated that yes their picture ID will be accepted. That they should have already had a change of address with us and we should have the current address for them.

**Paul Smith** also stated that he would like to introduce Phillip Duggan, who is with the Young Democrats.

**Phillip Duggan** stated that there are a lot of students who are going to school here and have a Memphis driver's license and are registered here to vote and wanted to know if they can use their driver's license as their photo ID.

**Paul Smith** stated that he also wanted to make note that the Cherokee Blvd Driver's License location has moved to Red Bank which has no public transportation and I may be wrong and we need to check this, but I understand the parking that the parking facility is not quite as large and they have cut down on the number of people working there and that will also make it harder to get an ID. He further stated that he would like to get a letter sent to the Secretary of State or whoever the proper authorities are to get some kind of statistics on how many people come in and try to get their ID and are turned away.

**Chairman Walden** asked Attorney Clem did he think that would be a question for the legislature to ask?

**Attorney Clem** stated that yes he did and that a representative could probably get information from the drivers license quicker than we could.

**Chairman Walden** also stated that he didn't think they had way to capture that data but that it is a good question.

Stephen asked if you can use any state ID not just Tennessee for your ID to vote?

**Attorney Clem** stated that yes you can, you have 90 days after you move here to get your license changed. If you registered here but haven't changed your license you can still use it for your ID, but after 90 days if you get pulled over the state trooper will be upset with you. But that has nothing to do with election law.

**Chairman Walden** stated that there is no reason anyone can't vote if they want to. No one should be told you cannot vote. You can vote a provisional ballot and come back within two days and show your photo ID. The election isn't certified for three weeks anyway. No one should be turned away.

**Attorney Clem** stated that you can always ask for an absentee ballot.

**Commissioner Braly** asked that if a person (such as a student) has never voted before, is it my understanding that all they need is a student ID?

**Attorney Clem** stated that is true to register to vote only. They still need their state ID to vote.

**Attorney Clem** stated that the new Photo Id law was modeled after Indiana and I have previously given you the state of Tennessee's state attorney general opinion. (SEE ATTACHED)

**Secretary Summers** stated that the state attorney generals opinion is just an opinion by an attorney. It has no enforcing effect as a law. It has some weight because legislatures rely upon it a lot of the times it is right and sometimes it is not. but until Tennessee Supreme Court rules on it, it is just an opinion. It is the same as myself or Attorney Clem giving an opinion.

**Chairman Walden** asked did Carta not run in Red Bank anymore? I know the comment was made that it didn't.

**Secretary Summers** asked do they have Rural Transportation there?

**Stephen Harper** stated that he would like to request this board draft a letter to the department of transportation to remind them that the state now requires an identity card to

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have full citizenship rights. In order to vote and have full citizenship they now have a different job other than just providing drivers licenses. That choosing locations also has an impact on that service and they probably need additional funding.

**Commissioner Braly** asked if he is asking the letter ask for more convenience?

**Stephen Harper** stated that being able to get there to get an identity card has been restricted by lack of public transportation.

**Secretary Summers** stated that he understood what Mr. Harper was saying, it is consistant with the view of this commission that we want to give everyone the opportunity to participate in the electoral process, but that he didn't know what effect one letter from the election commission would have on the duties one which we have absolutely no control of. I don't think it will be anymore effective than the private citizen writing a letter. He further stated that he thought the best thing to do is the private citizens write the letter to their legislators.

**Chairman Walden** stated that he thought there was a valid point from Mr. Harper but how we address that he was not sure. This commission will not write a letter stating a position asking someone to correct something unless the other commissioners make a motion and vote on it. So without a motion, a second and a majority vote no correspondence should come out of here.

Adjournment:

**Commissioner Braly** made a motion to adjourn.

**Secretary Summers** seconded

The next meeting is Wednesday November 9, 2011 @ 8:00 am

APPROVED;

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Jerry Summers Secretary

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Michael S. Walden Chairperson

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Ruth Braly Commissioner

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James Anderson Commissioner

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Tommy Crangle Commissioner