

HAMILTONCOUNTY ELECTION COMISSION
MINUTES OF MEETING
March 26, 2012

Call to Order:

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 7:30 pm on March 26, 2012 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 Attorney Clem were present at the meeting, as well as staff of the Election Commission, members of the media and public. Commissioner Anderson was not in attendance.

Approval of Minutes:

Commissioner Braly made a motion to approve the Feb. 8, 2012 minutes.

Commissioner Crangle seconded.

Commissioner Braly made a motion to accept the March 6, 2012 minutes.

Secretary Summers seconded with changes. (the corrections were made before they were signed)

New Business:

Administrator Mullis-Morgan stated that they had everything that needed to be signed in front of them, the results and the expenses. You also have a preliminary report from the auditors.

Quinten Howard (Hazlett Lewis & Beiter PLLC) addressed the commission and said that first he would like to say it has been a pleasure for their firm to do the audits and that they have been doing so since 1992 and that he has been the auditor in charge since 1994. He is now retiring so this is his last year and he would like to introduce Christian Bennett who will be taking his place and working with the commission in the future. Secondly, this is our report we issued to you, this was a good audit. We audited eight precincts, five of which each of commissioner picked, Mr. Allen and Mrs. Mullis-Morgan and myself picked one to make the eight. I think the most important thing in the audit is comparing the ballots cast to the ballot stubs and if you will turn to the back you will see it is a 100% match with the exception of the Gann's precinct who used a touch screen and there are no ballot stubs then.

Chairman Walden asked that there was only one touch screen vote then?

Quinten Howard stated yes that is true, and that he would like to commend this staff, and recommend certification. SEE ATTACHED

Chairman Walden thanked him and asked do we have a motion.

Secretary Summers made a motion to certify the election..

Commissioner Braly seconded.

Chairman Walden stated that with all the redistricting and everything you and the staff have done a great job.

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Administrator Mullis-Morgan stated that we still do not have the redistricting maps and our database still isn't fixed but we are working on it and hopefully by the end of May we will have cards and letters out. She further stated that for the August and November elections we will have a new internet provider and we will be going from 1.2 megs to 30 and we shouldn't have any boggs like we did at the satellites this last election.

Commissioner Braly asked if there were any problems with the photo ID in the election.

Administrator Mullis-Morgan stated there were two out of 38,000 and they were told they could come back and vote and chose not to.

Chairman Walden asked that he could have chosen to vote provisional and came back correct?

Administrator Mullis-Morgan stated that he chose not to. She then stated that the expenses for the March 6, 2012 election were \$207,000

Commissioner Braly made a motion to accept

Secretary Summers seconded

Legal Matters

Attorney Clem stated that the petitioners had filed an appeal and he had spoken with Administrator Mullis-Morgan as well as Mark Goins in Nashville about the incidents. I think over all Nashville is pleased with how smoothly it went in Hamilton County As far as the recall, it is just getting started. They have to file a transcript and then their brief first So probably sometime in April..

Chairman Walden asked so we can't do anything as of now correct?

Attorney Clem stated that was correct, they have to file their brief first.

Paul Smith (Democratic Party Chair) I noticed there was a federal lawsuit filed in Nashville concerning voter privileges and Hamilton County has been included and we noticed in that paper 8,000 people had been purged here in Hamilton county. I see that when you sign to register to vote there is nothing saying that if you don't vote in a certain length of time you'll be purged. The next thing is can we have a report on the race, sex party affiliation and location of those people who are purged.

Chairman Walden stated that we do not have that data anywhere on the registration cards and we don't have any way of knowing that.

Paul Smith then stated that was what was so concerning, because what we see here is when you do that, you are bridging the rights of people to vote and I think that's what we should be concerned about. Then there is the question if the people who are removed were getting notified they were being removed and is there a law stating that.

Chairman Walden asked that we get this down so we can go line by line and hopefully answered before we leave. Race, sex, party affiliation and notification of purged voters.

Paul Smith stated that the second issue is that we are interested in doing a bi partisan program with not only the republicans but the tea party and organize Chattanooga. We want to see about how we would go about putting it either on the August election or the November election the concept of term limits for all county office holders and we want the public to be able to vote on it. The reason we are asking you to do it is we see the great conflict we had with the city over the recall. We want to make sure as we progress with this idea and have these meetings, we don't get entranced in some long proactive lawsuits that are expensive to the county. We are going to actively work on term limitations to two terms per office in all county offices. We want to know how to go about getting it on the ballot, qualifying deadline

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and what we have to do either through the county commission or by petition to have it put on the ballot at least by November hopefully in August..

Chris Clem stated that first of all on the term limits, there are two ways to do it., the first is go to the county commission and they would vote on it and they certainly have the authority to limit it. The second is I believe and I would have to check with the county attorney that the county charter has a referendum to get around the county commission and straight to the voters, but you would have to file a petition and again Rheubin Taylor could give you a detailed explanation of this.

Chairman Walden asked attorney Clem to look into this and at the next meeting report to us.

Paul Smith stated that he was sorry to be argumentative but when we are not 100% sure that's when we get into the legal problem and that's what happened with the other by putting it off till the next meeting. I'd like this to be done and released as soon as possible because if we are trying to do this by April 5th the qualifying deadline it will automatically push us into November. I think it needs to be succinct and public be made aware of it. I just think that's the best way to prevent lawsuits on down the road.

Chairman Walden stated that he did not have a problem with it being in writing.

Attorney Clem stated that the writing may be deferring to the county attorney.

Chairman Walden asked Secretary Summers procedurally how we should proceed.

Secretary Summers stated that I think attorney Clem is correct in asking the county attorney. whether they farm it out like they did with occupy Chattanooga or not

Chairman Walden stated that we can ask the question.

Secretary Summers stated that I think attorney Clem can try and find out the shortest way to do it. To me this is a rather complicated procedure to get this done.

Term limits became popular I think back when the political scene was just reverse of what it is now. The republicans brought up term limits.

Attorney Clem stated that the minority party always wants term limits.

Secretary Summers stated that I was just trying to say that it seems to be a political issue.

Chairman Walden stated there has to be a clearly defined policy & procedure; they are entitled to that whether they find success within that. He further stated, but we should be able to tell them what they need to do in order to get this done.

Attorney Clem stated that on the purging that is something all 95 counties follow the direction of the state office.

Administrator Mullis-Morgan stated that after two federal elections (two presidential elections) if they have not voted, changed their address or notified us in any way then they are purged.

Chairman Walden asked do you have a directive that directs you to do that.

Administrative Mullis-Morgan stated that it is a state law, I will find the law.

Chairman Walden asked that she get the law and forward it on to them, and to change the law it is through the legislature.

Paul Smith asked if it was possible to get a list of the people who were purged if they have just missed 8 years. We would like to contact them and try to get their rights reestablished..

Chairman Walden asked attorney Clem if that was something we are able to release?

Attorney Clem stated that yes it was. Now the details of age, date of birth and who was notified.

Administrator Mullis-Morgan stated that they have name, address, and date of birth and inactive date.

Attorney Clem stated that would be public information as well as who had been purged.

Commissioner Braly asked how do you get notified when someone dies.

Administrator Mullis-Morgan stated that we check the paper every morning and those that are diseased and on our roles we take them out of the voter roles. Also, we get a report from the state once a month and we look at it to see who we have missed.

Paul Smith asked that the myth that is in the papers about letting the dead people vote is incorrect?

Chairman Walden stated we didn't have that here. In Chattanooga that doesn't happen and in other areas of the state we have been told have those issues.

Administrator Mullis-Morgan stated that if there is any contact with us or they change their address or contact us we take them off the inactive list.

Chairman Walden asked if they just disappeared for eight years and doesn't vote and we don't hear from them then they are purged?

Administrator Mullis-Morgan stated that yes that was correct.

Paul Smith stated that you do not make any effort to contact them and let them know they are being purged?

Administrator Mullis-Morgan stated that no we do not.

Paul Smith asked that you do not have any publication to let them know?

Administrator Mullis-Morgan stated that no we don't have to anymore because the law was changed.

Chairman Walden stated that we wouldn't have their phone numbers in the first place.

Administrator Mullis-Morgan stated that no we do not have phone numbers

Laura Cross stated that they don't always put their race on there either.

Chairman Walden stated that we have answered those and no one has a problem as we are concerned that you can run your copies and contact whoever you want. Okay does anyone else have anything else to bring before the commission?

Paul Smith stated that he had one more thing to add. He then stated that Knox Co does have term limits and that is what we are basing this on. The reason we are doing so is about the economy here. Someone said it was political, it is and it isn't, the thing we are looking at is in Hamilton County we have lost three house members and saw our senate reduced into other counties. Our issue is about jobs, and Hamilton County hasn't grown as fast as other counties in the state and what we are trying to do is establish a more responsive government and we want to pattern it after other counties such as Knox County

Secretary Summers stated that it was political in 1974 and it is political today. He further stated that his comments are not being critical of anyone but last time when we voted on a very important issue, (it was on the recall matter) it did not appear that it would be brought up and I am not going to get into what we did but the perception when the only people who showed up were the supporters of the recall and there was some question as to it as I understand and inquiries made by the news media as to if that was going to be brought up and it was indicated that it was not going to be brought up, but that night Mr. Wysong, Mr. Folkner and the photographer showed up. When there is something that important I think the public has the right to know, and they showed up and we got into the situation and it suggests why are the re-callers here and the others not. It comes under the question of our being an independent non partisan body. I am not making this accusation to anyone, I am

simply making a statement of perception and had some discussion about it and I don't think that something that important and causes that much controversy or firestorm in this community as that one has we should make certain that everyone has an opportunity to be heard. At least the news media should be correctly informed. Like I say I don't know who said that, but I did find out that it was indicated that it wasn't going to be on the agenda. I say this for our benefit.

Attorney Clem stated that part of the problem was they filed their appeal that morning.

Chairman Walden stated that it was not on the agenda and had they not filed that morning nothing would have been said about the issue. It was over as far as I was concerned..

Attorney Clem stated that we did not see the appeal till right before the meeting ourselves.

Secretary Summers stated to Mrs. Braly and Mr. Crangle, we had that meeting and the next one was scheduled for the 12th and it was mentioned that we didn't give a 10 day notice. I know there are certain emergencies on the certifications of the elections by the auditors. Not a big critical matter but the meeting was set on the 26th and I agree with Chairman Walden about setting the meetings and he had business obligations. I know the request was made to do it sooner. Now, I sent an email to everyone saying I will not do anything to change any vote. We waited 20 days, but I want the two of you to know we are on opposite sides and agree friendly and I respect you both. I have never lied to a judge in 40 years and if I send an email saying I am not going to do something, then I am not going to violate what I say. I just want you two new members to know. No harm no foul, If I say I am going to do something, I am going to do it and If I am going to do something to try and change something I am not going to tell you.

Chairman Walden stated that when we set the initial meeting had we notified the public the next morning as we should have done, we would have been within the proper time. For whatever reason we did not get our notice out in time and we were two days late. That would not give us the 7-10 days and we have always kind of used the ten day rule even though the law may say 7-10 days. Anything we do here the public should be here to participate. I was asked if we could have it on another date and I was texting on the phone as the plane was taking off and I got out no and then the plane took off and I stopped for a while I realized I didn't say I couldn't that day but I can another day. But that was during a period of spring break and vacations and a busy travel schedule. As a rule I don't think we have had these issues in the past 13 years. There shouldn't be a problem to with us having a 10 day notice on most of the rulings. I know there are plenty of things we can get into trouble with but having a meeting early isn't one of them. Prior to me becoming chairman we didn't have set meetings and that was one of the first things I did was to say I think we need to have a meeting each month if we are getting a check, you should be able to set you clocks to us we are going to have a meeting and sit and talk about something even if we don't have anything to talk about once a month and any other time as necessary.

Secretary Summers stated that he accepted that and that he was impugning anyone and the way it came out was I said I wasn't attending because I thought it was an illegal meeting and that is when I got the no back. It was a misunderstanding.

Administrator Mullis-Morgan stated that the state gives us 3 Mondays to certify.

Commissioner Crangle You just want the county government and not the city correct?

Paul Smith stated that yes everyone at the county level

Adjournment:

Secretary Summers made a motion to adjourn.

Commissioner Braly seconded

The next meeting is Wednesday April 11, 2012 @ 8:00 am

APPROVED;

Jerry Summers

Secretary

Michael S. Walden

Chairman

Ruth Braly

Commissioner

James Anderson

Commissioner

Tommy Crangle

Commissioner