

**MINUTES OF MEETING**  
**Thursday, February 13, 2014**

Call to order:

Upon notice duly given, Chairman Walden called to order a meeting of the Hamilton County Election Commission at 2 p.m. on February 13, 2014 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee. The meeting had been postponed from its original time due to inclement weather.

Invocation: **Commissioner Braly**

Pledge of Allegiance: **Commissioner Crangle**

Present at Meeting:

Commissioners Walden, Summers, Braly, Crangle, and Scott, and Attorney Taylor were present at the meeting, as well as members of the media, and staff of the Election Commission, including incoming-Administrator Steelman.

Approval of Minutes:

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

**Commissioner Scott** seconded.

All were in favor.

New Business:

**Chairman Walden** stated the first matter on the agenda under new business is the petition for the recall of Councilman (Chris) Anderson. He asked Secretary Summers if he would like to be heard first.

**Secretary Summers** said he had two concerns. His first concern was whether or not Commissioner Crangle should vote on the issue of the Anderson recall petition because Crangle is a candidate for public office.

**Commissioner Crangle** said he is not a qualified candidate yet.

**Secretary Summers** said the process has begun; that's a technicality.

**Chairman Walden** indicated Commissioner Crangle spoke to him and made it known he wishes to vote in this matter.

**Attorney Taylor** added the law says he's not a candidate until he's qualified. So as far as his eligibility to vote, he's eligible.

**Secretary Summers** said his main concern was trying to eliminate issues for lawsuits.

Chairman Walden verified with Commissioner Crangle that it was his understanding you become a candidate once you turn in papers and Crangle's not done that yet.

**Commissioner Crangle** indicated he had not yet turned in his paperwork.

**Secretary Summers** said his second issue was the recall statute is vague and over-broad and there's an issue of whether or not the question is discriminatory. Has it been run by the state?

**Administrator Morgan** said the state said it was fine.

**Chairman Walden** said one of his questions with a previous petition was who had the opportunity to define the question and it was ruled, and this body held, that the people seeking the petition are the ones that get to define the question. In Mr. Stewart's letter to us he said the question is vague and masking discrimination, which whether that's true or not, it's not for us to decide.

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**Secretary Summers** said we are not a court.

**Chairman Walden** said we are a ministerial board.

**Secretary Summers** said it's not our decision. If we approve it or disapprove it, I think the only thing we need to do is file a simple answer and say we'll follow the rulings of the court.

**Chairman Walden** said he agreed. The one issue before them today is whether or not the petition is in proper form as it has been submitted and approved by the state.

**Secretary Summers** said whether you are for or against Councilman Anderson, an election is a recall; four years down the road is a recall. This has established a dangerous precedent. I know there's some people who have said he's ignored a certain part of his district, that's for them to evaluate in four years. Once again, I think it needs to be brought out so the public knows; we're talking about taxpayer money every time someone gets dissatisfied with any commissioner. We're establishing a very dangerous precedent.

**Chairman Walden** said he agreed with Secretary Summers. As you stated earlier, we don't have the ability to judge right or wrong, or rather we like the law or not, we simply must follow the law and that's what we always attempted to do, whether we like it or not. Legal experts have said in this form, whether you like this question or not, it meets the state law.

**Secretary Summers** made a motion to accept the petition as approved by the state.

**Commissioner Scott** seconded.

The floor was opened for discussion.

**Stewart James**, attorney for Chris Anderson, first addressed the issue of whether Commissioner Crangle should vote on the petition approval. He said Crangle has the appearance of a candidate and is currently campaigning and has made public statements about this issue and the domestic partnership ordinance. He said any action Commissioner Crangle takes on this is improper and he encouraged him not to vote on this issue. He then addressed the petition and said he does not think that just because the state gives its blessing that this petition is a valid petition, particularly in the context that this petition has been presented. He said he is not asking the commission to be a court of law, but he is asking them to consider the form of the petition and the reason the question is so vague. Stewart contended the real reason Anderson is being recalled is because he is gay and said under the law he is protected by the Constitution of the United States against state action which promotes an election for a discriminatory purpose. I know the Election Commission isn't going to discriminate against Mr Anderson, but the purpose of this petition is discriminatory. Stewart also charged that Charles Wysong and his son, non-residents of the district, are leading the petition.

**Gill Shropshire**, President of Alton Park Neighborhood Association, said he is tired of people trying to label them as begin against Anderson because of his sexual preference. We knew he was gay when we voted for him. We knew he was gay when we campaigned for him and did everything we could to get him into office. After he was elected he didn't have the decency to say thank you or answer our phone calls, and if not for Moses Freeman, I wouldn't have got a sit-down with him. He's not done one thing and we told him if he's not going to do or try to do what he said he'd do, we're going to fire him. When we got ready to file this recall, nobody was there to help us. This man (indicates Charles Wysong) reached out to us and showed us how to get this petition done right the first time.

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**Commissioner Crangle** said he's not interested in a lawsuit any more than anyone else is and if the vote was taken such that the voting would stop when a majority was reached, he would not vote. But if we do the aye and nay type of vote, he believes his oath of office requires him to vote.

**Chairman Walden** called for the vote.

**Secretary Summers, Commissioner Braly, and Commissioner Scott** voted Aye.

There were no Nay votes.

**Chairman Walden and Commissioner Crangle** did not vote.

**Chairman Walden** explained he did not vote because as Chairman he does not have to unless there is a tie, and a majority was reached without Commissioner Crangle voting.

**Commissioner Crangle** said he couldn't abstain, but if he's permitted to, he will not vote.

**Chairman Walden** said that's abstaining.

**Secretary Summers** reiterated that he has concerns about the discriminatory nature of this recall and the vagueness of the statute, but he thinks this is going to end up in court anyway, but that's for the courts to decide, not us to decide.

**Commissioner Walden** said there was one more item on the agenda, and asked for a motion to approve longevity pay for Administrator Morgan.

**Commissioner Crangle** made a motion.

**Commissioner Braly** seconded.

All were in favor.

**Administrator Morgan** reiterated that although the petition deadline is April 29, the deadline for the August ballot is April 10.

**Chairman Walden** said the commission can't do anything about that; by law they are entitled to the April 29 deadline.

**Administrator Morgan** said if they go up to the April 29 deadline, the recall will be on the November ballot.

**Secretary Summers** stressed that if any petitions were signed before today, those signatures are not valid.

**Chairman Walden** added that if they have gathered any signatures and falsify the dates, that is voter fraud.

**Charles Wysesong**, member of the public, asked if there was a way to get the question on the August ballot or was it definitely going to be on the November ballot.

**Administrator Morgan** said they would have to have the petitions in prior to April 10 so we'd have time to check the signatures.

**Chairman Walden** said, so if they turn in their signatures by April 3 they can be checked and we can meet within seven days, which is April 10, and it can go on the August ballot. If they take the full 75 days, it will go on the November ballot. The next regular meeting is March 12; the regular April meeting will be April 9, so at this time he does not see a need for a special meeting for the petition.

**Administrator Morgan** counseled the petitioners to bring in the signatures as they get them.

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Adjournment:

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

**Commissioner Braly** seconded.

All were in favor.

APPROVED:

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Jerry Summers

Secretary

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Michael S. Walden

Chairman

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Ruth Braly

Commissioner

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Tommy Crangle

Commissioner

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Kelvin Scott

Commissioner