

**MINUTES OF MEETING**  
**Wednesday, March 19, 2014**

Call to order:

Upon notice duly given, Chairman Walden called to order a meeting of the Hamilton County Election Commission at 9 a.m. on March 19, 2014 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, Summers, Braly, Clem, and Scott were present at the meeting, as well as staff of the Election Commission, and members of the media and public.

Approval of Minutes:

**Chairman Walden** asked if everyone had a chance to review the minutes before the meeting. These were sent out prior to the meeting, correct?

**Deputy Becky Bumgardner** said yes, sir.

**Chairman Walden** said you are doing a really good job with these.

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

**Secretary Summers** seconded.

All approved.

New Business:

**Chairman Walden** asked everyone to take a look at the ballot and asked Administrator Steelman if he had a report on the ballot.

**Secretary Summers** interjected and asked if Chris Clem needed to be sworn in before he took any action as a commissioner.

The commission discussed whether or not a verbal oath was needed in addition to the written oath Commissioner Clem signed for the state. It was agreed that verbal oath it wouldn't affect the legality of any of the commission's actions either way, but no one objected to his being sworn in anyway.

**Chairman Walden** swore in Commissioner Clem with the oath referenced in TCA § 2-1-111.

**Administrator Steelman** returned to discussing the ballots. The commission had a sample ballot to review. Steelman informed the commissioners that the ballot has been reviewed and approved by the state.

**Commissioner Scott** stated that in a previous meeting there had been a motion to put the printing of the ballot out to an open bid. He asked how they could have already determined who would be printing the ballots if there was an open bid.

**Assistant Administrator Allen** said we went through Hamilton County purchasing and they went to Dominion to get their list of certified printers who meet their specifications. The printer we had been using is certified through Dominion now and he is the only nationwide printer who is certified through Dominion. All the others are state-specific. The company we use, Midwest,

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is certified regional, whereas the others are only certified for specific states. Hamilton County purchasing handled every bit of that.

**Commissioner Scott** said if this is the only company that Dominion can use, then there was no use in putting out an open bid.

**Chairman Walden** asked Administrator Steelman to have the Hamilton County Purchasing Department put out a “sources sought” announcement so people who look for printing bids will know about our needs and our vendor’s requirements and be able to get on the county bid list.

**Secretary Summers** also brought up the fact the commission had not voted on Charlotte Mullis-Morgan’s contract to continue at the Election Commission.

**Chairman Walden** countered that hiring personnel is Administrator Steelman’s authority. The commission discussed Steelman’s hiring of Morgan and whether or not the commission should have voted on the contract before returning to discuss the ballots.

**Administrator Steelman** said he understands the importance of bidding out and being a good steward of taxpayers’ money, but one thing we have to consider is the relationship this office has had with this (printing) company over the years. They understand our ballots; they know Hamilton County.

**Chairman Walden** said when public money is involved we always have to have, not necessarily the lowest bidder, but the best value. But competition is good and we don’t want to get into a sole-source situation. We need to get with the county and make sure there is fair and open competition. They may win, anyway.

**Commissioner Clem** said and if we can’t find a second bidder, at least we can document that we made the attempt.

**Chairman Walden** asked about Stuart James’ name still appearing on the ballot.

**Administrator Steelman** said James emailed Charlotte Mullis-Morgan to tell her he was suspending his campaign, but he did not file the appropriate paperwork before the withdrawal deadline. Steelman said he has since spoken with James and it was James’ intention to remove his name from the general ballot in August. He directed James to submit that to the office in writing and he has done so.

**Secretary Summers** made a motion to approve the ballot.

**Commissioner Braly** seconded.

All approved.

**Administrator Steelman** advised the commission that Early Voting was scheduled for the same locations and hours as previous elections.

**Chairman Walden** added that’s always been our policy, we don’t want to confuse the voters. So we keep Early Voting at the same locations as much the same as possible, and the same hours.

**Commissioner Braly** made a motion to approve Early Voting locations and hours.

**Secretary Summers** seconded.

All approved.

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Legal Matters:

**Secretary Summers** said, in reference to the Anderson recall case, he thinks Attorney Rheubin Taylor should provide information concerning legal proceedings to all the commissioners, not that he or Commissioner Clem, as attorneys, are going to question him.

**Chairman Walden** said there was an email that was sent out.

**Secretary Summers** said yes, but he thought our response to the lawsuit should have been a simple motion to dismiss. He thinks it is unnecessary work because if Wysong's group doesn't get their numbers, they don't have standing to this lawsuit

**Chairman Walden** encouraged Secretary Summers and other members of the commission to call Attorney Taylor any time they had a question about what he was doing.

**Commissioner Braly** asked Secretary Summers if he thinks the commission should have approved Taylor's filing.

**Secretary Summers** said he wanted to be informed before Taylor filed it.

**Commissioner Clem** added you wish he had waited until the April 8 deadline before adding the city and state to the filing.

**Commissioner Braly** asked if the Elder Mountain lawsuit was still going on.

**Commissioner Clem** said they've had the oral argument and the Court of Appeals usually takes three to four months to issue an opinion after an oral argument.

**Commissioner Scott** asked about the date of April meeting.

**Chairman Walden** said the next meeting will be April 9 at 8 a.m. if there are issues to discuss. If there are no issues at that time, they will not meet.

Adjournment:

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

**Secretary Summers** seconded.

All were in favor.

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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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Chris Clem

Commissioner

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Kelvin Scott

Commissioner