

MINUTES OF MEETING
Monday, May 19, 2014

Call to order:

Upon notice duly given, Chairman Walden called to order a called meeting of the Hamilton County Election Commission at 8 a.m. on May 19, 2014 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

Invocation: **Commissioner Clem**

Pledge of Allegiance: **Chairman Walden**

Present at Meeting:

Commissioners Walden, Summers, Clem, and Scott were present at the meeting, as well as County Attorney Rheubin Taylor, Christian Bennett and Warren McEwen of Mauldin and Jenkins, and staff of the Election Commission.

Approval of Minutes:

Secretary Summers made a motion to approve the minutes.

Commissioner Clem seconded.

All present approved.

New Business:

Christian Bennett reported on the certification of the May 6 County Primary Election. He said there were a few new procedures with the new equipment, but no problems, and recommended the commission certify the results.

Secretary Summers asked if we had changed auditors.

Chief Deputy Mullis-Morgan said no, the auditing company had changed names.

Secretary Summers made a motion to certify the results.

Commissioner Clem seconded.

All present approved.

Discussion then turned to certification of election expenses.

Chairman Walden said the County Election cost \$181,437.58 with the majority of the costs attributed to labor and ballots. The Chattanooga City election cost \$14,917.23.

Commissioner Clem made a motion to certify the expenses of the City Municipal election.

Secretary Summers seconded.

All present approved

Secretary Summers made a motion to certify the expenses of the County Primary election.

Commissioner Clem seconded.

All present approved.

Legal matters:

Attorney Taylor asked if the commission had done all it needed to do with the Anderson recall signatures so he could file a motion with the court.

Administrator Steelman said he had spoken with District Attorney Bill Cox and DA Cox had indicated he would like a copy of the 200-plus signatures that were indicated as invalid.

Hamilton County Election Commission—Minutes of Meeting, May 19, 2014, Page 2

Commissioner Clem said he thought at the last meeting they had decided not to approve the petition because it did not have sufficient signatures. But he thought that, although a vote wasn't necessary, it might still be a good idea to make a motion to the effect that we are going to accept the staff's recommendation not to approve the petition so that we can have it in the minutes for both the District Attorney and Attorney Taylor. He didn't know if it was necessary, but it might be helpful to have that.

Commissioner Scott asked why the District Attorney was involved.

Secretary Summers said he had contacted the District Attorney on his own. When he heard about the alleged signatures that were in alphabetical order, coupled with the previous expense of the Littlefield recall and additional legal expenses associated with this recall, he felt like it needed to be addressed if there's some appearance of an impropriety. He said it's in the best financial interest of the people of this county.

Chairman Walden said the people who are having the recalls need to respect the process and realize if they falsify a document they can find themselves in a world of trouble.

Commissioner Clem agreed and added falsifying a signature is falsifying a document.

Chairman Walden and they could inadvertently get themselves in a lot of trouble and the ends do not justify the means. And I would just hope they would respect the process and if you get the signatures, the person is recalled; but if you don't, you can't become what you hate the most.

Commissioner Clem said he thinks for Attorney Taylor's sake the record needs to reflect the fact that the petition has not been certified. Normally, I don't think we need to address that, but in this case it would help our attorney as he files his motion.

Secretary Summers made a motion to accept the staff's recommendation not to certify the Anderson recall petition based on the fact that the number of validated signatures was insufficient to meet the standards for a recall.

Commissioner Clem seconded.

All present were in favor.

Chairman Walden said Secretary Summers spoke with the District Attorney as an individual and the Election Commission has not taken a position on whether or not to request the District Attorney look into this. If there is a motion, we'll have to entertain it, otherwise...

Commissioner Clem said the District Attorney is already looking into it.

Commissioner Scott asked what is our next step if the District Attorney finds an issue?

Chairman Walden said we would comply with any subpoenas or discovery.

Administrator Steelman added that the number of signatures given to the District Attorney, even if they were all legitimate, still would not be enough to meet the needed number of signatures.

Adjournment:

Commissioner Clem made a motion to adjourn.

Secretary Summers seconded.

All present were in favor.

The next meeting will be June 11, 2014 at 8 a.m.

Hamilton County Election Commission—Minutes of Meeting, May 19, 2014, Page 3

APPROVED:

Jerry Summers Secretary

Michael S. Walden Chairman

Ruth Braly Commissioner

Chris Clem Commissioner

Kelvin Scott Commissioner