

MINUTES OF MEETING
Friday, June 27, 2014

Call to order:

Upon notice duly given, Chairman Walden called to order an emergency meeting of the Hamilton County Election Commission at 8 a.m. on June 27, 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 County Attorney Rheubin Taylor, Chattanooga City Attorney Phil Noblett, staff of the Election Commission, and members of the public and media.

Legal matters—Ballot language:

Chairman Walden said we were notified about 48 hours ago there was a problem with how the Chattanooga Domestic Partnership ordinance is presented on the ballot. We have gotten with Coordinator of Elections Mark Goins and also with the petitioners and they are fine with the new language as presented on the sample ballot in front of you, that it is compliant with state law.

City Attorney Noblett said he believes TCA is somewhat vague and doesn't give a lot of assistance regarding what the question will be. The city's concern is that the reference on the ballot just gives the ordinance number and not a copy of the ordinance itself.

Chairman Walden said it is his understanding that the petitioners get to define the question that is on the ballot.

Attorney Taylor said that is also his understanding. He and Commissioner Clem discussed it yesterday and he thinks they are proceeding correctly.

Secretary Summers asked City Attorney Noblett if his concern was that there's not a definition of the ordinance on the ballot?

City Attorney Noblett said yes.

Secretary Summers asked how lengthy would it be to put a definition of the ordinance on there?

City Attorney Noblett said the problem is the actual ordinance is five or six pages long.

Chairman Walden said in all fairness, we've had this conversation several times before when the city has had ordinance changes. They never put all the information on the ballot and just include a summary.

Secretary Summers said his concern is whether or not the people who are going to vote on this understand it.

Commissioner Braly said it's pretty self-explanatory. And unless someone has been under a rock, they know what's been going on.

Commissioner Scott said in the past when we have petitions or referendums that go on the ballot they have to be specific about what they are asking and this is vague.

Chairman Walden said this is no more vague than other ordinance changes in the past. But having said that, the law says the petitioners--not the city--get to say what will be on the ballot and these words have been taken directly from the petition.

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Secretary Summers said people are more litigious in everything that comes up in this area and I don't think we can rely on past precedent.

Commissioner Braly asked if the ordinance was posted on the website somewhere.

Secretary Summers said Commissioner Braly brought up a very good question, this needs to be publicized.

Commissioner Clem said he agrees Summers is bringing up a good point by asking if people could be confused by the question, but the law is clear that the Election Commission should publish the question contained on the petition. That takes the discretion away from us; we just go with the question from the petition.

Chairman Walden said the petitioners worked with Commissioner Clem and Attorney Taylor to come up with this language which is acceptable to them. This language is from the original petition. The city attorney's language is what was called into question. This has been approved by the State Coordinator of Elections Mark Goins. In most cases, with this being an exception, whoever writes the ordinance defines the questions. In this case the state law says the question must come from the original petition.

Commissioner Scott said in the future he believes that if Commissioner Clem is going to be involved that Secretary Summers should have been involved, too.

Commissioner Clem agreed and said he got a call from Mark West's attorney two days ago and his first thought was to call everyone, but he didn't because he didn't want to violate the open meetings law.

Commissioner Scott said this type of stuff should be caught on the front end because that's money that someone has to pick up the tab on.

Administrator Steelman said there was no expense to the county.

Commissioner Braly made a motion to approve the language for the domestic partnership ordinance as presented on the sample ballot and to also put the ordinance on our website and issue a news release to the media directing them to where it can be read in its entirety.

Commissioner Scott seconded the motion

All were in favor.

Secretary Summers said we'd recently lost someone very important to Tennessee. Howard Baker was what a politician should be and wasn't affected by a lot of things we see in politics today.

Secretary Summers made a motion to recognize the loss to the state of Tennessee with Howard Baker's death.

Commissioner Clem seconded

All were in favor

Adjournment:

Commissioner Clem made a motion to adjourn.

Commissioner Braly seconded.

All were in favor.

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APPROVED:

Jerry Summers

Secretary

Michael S. Walden

Chairman

Ruth Braly

Commissioner

Chris Clem

Commissioner

Kelvin Scott

Commissioner