

**HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
Wednesday, September 10, 2014**

Call to order:

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8 a.m. on Wednesday, September 10, 2014 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

Present at Meeting:

Commissioners Walden, Braly, Clem, and Scott were present at the meeting, as well as County Attorney Rheubin Taylor, staff of the Election Commission, and members of the public.

Invocation: **Commissioner Braly**

Pledge of Allegiance: **Commissioner Scott**

Approval of Minutes:

Commissioner Braly made a motion to approve the minutes.

Commissioner Clem seconded the motion.

All approved.

New Business:

Certification of Petitions/Call for Referendum

Wine In Retail Food Stores

Administrator Steelman said he had a report ready for the commissioners and all they needed to do today was make a motion to certify the petition and call for referendum. He said according to statute the valid signatures on the petition must equal at least 10 percent of the total number of votes cast for governor in the preceding gubernatorial election. Election Commission staff have verified signatures and the following municipalities have obtained a number which exceeds the minimum number needed to call for a referendum for the sale of wine at retail food stores: Chattanooga accumulated 3,879 of 3,865 required, Collegedale 201 of 185 required, East Ridge 525 of 520 required, Lakesite 64 of 60 required, Red Bank 300 of 291 required, and Signal Mountain accumulated 380 of the 342 required signatures.

Commission Scott made a motion to certify the signatures.

Commissioner Braly seconded the motion.

Commissioner Clem asked if all the municipalities made it closely or if there were extra signatures.

Administrator Steelman said yes, there are additional signatures; however, once a municipality crossed the threshold we stopped counting.

Chairman Walden called for the vote.

All were in favor.

Retail Package Stores

Administrator Steelman reported that the Election Commission had received a petition calling for a referendum to authorize retail package stores within the City of Soddy Daisy. According to state law the petition must be signed by at least a number of registered voters equal to 10 percent of the votes cast for governor during the last gubernatorial election. The total number of votes cast for governor within Soddy Daisy in November 2010 was 3,325. Ten percent of that is 333. The Election Commission staff verified 344 valid signatures, which exceeds the minimum number needed to call for a referendum. Today the commission needs to make a motion to certify the petition contains the sufficient number of signatures to call for a referendum on November 4, 2014 to authorize retail package stores within Soddy Daisy.

Commissioner Scott made a motion to approve the petition.

Commissioner Braly seconded.

All approved.

Approval of Ballot

Administrator Steelman presented the ballot to the commission. He said there is one outstanding issue and I've provided in your packet a memorandum from Coordinator of Elections Mark Goins. Specifically, gubernatorial candidate Daniel T. Lewis is listed as an Independent. He filed suit late to be listed on the ballot as a Libertarian candidate. The suit has yet to be assigned to a judge. We've had the ballot ready for two weeks, but the state has been hesitant to approve it. The state finally sent a memorandum that we could approve the ballot but suggests we approve the ballot with the caveat that we could change Lewis's party if the court rules so. The concern for us is when do we have to order ballots? Military ballots must be sent out by September 20, but those can be printed in-house. We must place our order for Nursing Home and Early Voting ballots no later than September 24. If the court rules after September 24, we are prepared to present an affidavit on the expense if the court orders us to reprint ballots. But we can't delay getting ballots to the public. One concern I have, and I've discussed this with Coordinator Goins, is the potential confusion for our military voters if the court orders a change to the ballot and we have to send an amended ballot.

Commissioner Braly said she had a question about nursing home voting. Someone had told her that her mother was in a nursing home and has always helped her mother vote. This time she was not able to do that.

Chairman Walden said that doesn't make sense. As long as her mother can make it known what her intentions are. Now, the lady can't put words in her mother's mouth when voting.

Commissioner Braly agreed. She asked what is the process when they go to the nursing homes?

Chairman Walden said he went to a nursing home once to watch the process. There are always two deputies from the Election Commission.

Commissioner Braly asked what if they are not mentally capable of voting?

Administrator Steelman said then they don't vote.

Commissioner Braly made a motion to approve the ballot with the caveat.

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Commissioner Clem asked to clarify the motion. Does the staff have the authority to make this change without us meeting again?

Chairman Walden said yes, as long as Coordinator Goins directs them to do so in writing.

Commissioner Scott said wouldn't we still have to meet if there's a change?

Commissioner Clem said we're approving this ballot as-is, with the caveat that the state may order us to change Lewis from Independent to Libertarian, and we're authorizing Steelman to make that change—and only that change—without us meeting.

Chairman Walden said if we have to have a meeting, we have to give notice and that delays the process.

Commissioner Clem said if Goins says to make any other changes, we'll have to have a meeting.

Commissioner Scott seconded the motion

All were in favor.

Early Voting

Chairman Walden said the proposed Early Voting dates are October 15 – 30, same locations and same times. Next year we'll look at changing the Northgate location.

Administrator Steelman said I've checked with Hamilton County Maintenance regarding potential county properties and they didn't have anything that would fill our needs. He said he has communicated with Paul Parker with Hamilton County Real Property and Lee Norris at Parks and Recreation. Both suggested the same two alternatives. The first is the Hixson Civic Center, which I think is a great option because it's practically on the Northgate campus. The other is the Hixson Recreation Center which is the old Hixson Middle School. It has enough space and enough parking, but it's somewhat off the beaten path approximately 1.5 miles north on Hixson Pike.

Chairman Walden said so you're thinking the Hixson Civic Center may be the best solution? That's something we can vote on before the next election cycle.

Administrator Steelman said at that time, too, we'll consider options of advertising the change such as direct mailer to notify all those who have previously voted at Northgate.

Commissioner Clem asked if there would be any hotly contested races in that area where a candidate might complain about a change in the Early Voting venue?

Administrator Steelman said nothing immediately comes to mind for 2016.

Commissioner Scott asked what would be the cost?

Administrator Steelman said we've not entered those discussions yet.

Chairman Walden said we pay Northgate now.

Commissioner Scott said yes, but could using the Civic Center alleviate some of that cost?

Chairman Walden said there's a possibility the City of Chattanooga could offset some of their election expenses with a non-cash trade for use of the Civic Center. Right now we are paying a private company.

Administrator Steelman said he has spoken with the City and County mayors and they are both on board with this.

Chairman Walden asked if there was a motion to approve the voting sites and times. They are consistent with the times we've had in the past.

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Administrator Steelman said it was his understanding we've been open in the past until 8 p.m. for the November election, but he was concerned because of the time change in the fall it is pitch black by the time it is 7 o'clock. However, the statute has been changed and it says polls shall remain open until 7 o'clock.

Also, as a side note, we had an issue with Soddy Daisy United Methodist Church. They have a new pastor who was not pleased this last election. Scott Allen and I went to meet with the pastor to hear his concerns. We resolved the issue to his satisfaction and were able to build some goodwill.

Commissioner Clem made a motion to approve the Early Voting sites and times.

Commissioner Scott seconded.

All approved.

Pollworker List

Commissioner Braly asked if the poll workers were mostly the same

Administrator Steelman said yes, by and large. We're making some changes to the forms we've used over the years, specifically the payroll form, to try and get workers committed election to election. We think that may help us to retain our workers.

Commissioner Braly asked if there were any problems with any of the poll workers last election.

Administrator Steelman said there was nothing of significance. There was one call about a poll worker that a voter thought was rude, but that was the only issue.

Commissioner Scott asked how we rotate out poll workers. This is a massive list, but in the last few elections it's the same people. Why is it the same group?

Chairman Walden said because it's really hard to get people to work the 12-hour days for the money you make. I think if you get in there and do a good job, you can stay as long as you want.

Commission Scott asked who picks the workers? Is it the candidates or the Election Commission?

Administrator Steelman said it is the Election Commission.

Chairman Walden said just for discussion, I understand demographics, but going forward we need to look and make sure that we have an equal number of Democrats and Republicans at every polling location.

Commissioner Clem asked if poll workers have to live in the precinct in which they work? If not, we can encourage them to work in other precincts. Although I know many of them prefer to work in their own precinct.

Administrator Steelman said you're right, and for many it's a social event.

Commissioner Clem said I understand and that's a good thing when the poll workers know and recognize the voters, but we can still encourage a few to work at different precincts if there's already too many Democrats at this one or too many Republicans at that one.

Chairman Walden said it needs to be equal, Republicans and Democrats, and in the case of a tie there needs to be one more Republican. That's just the majority, the way it works.

Commissioner Braly asked if all the Officers of Election had been on the list for a long time?

Administrator Steelman said yes, most of them have worked for a long time.

Commissioner Scott said he brought it up because he has received several phone calls from people who said they wanted to work but were told the positions are already full. There are a

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lot of college students on the UTC campus who would like to work. Even though it's a small check, that little bit helps them just like it helps the elderly.

Chairman Walden said there are also cases with some aging poll workers where they really can't do the job but we've not wanted to say to them: you no longer have the ability to do the job. But we also need to have a staffing matrix, a standard of how many poll workers we have based on voter turnout at a precinct. Anyone who wants to participate should be allowed to participate, and if we have too many people we need to have some mechanism in place, some fair way, to determine who works.

Commissioner Braly said she's had a lot of people come to her since she's on the Election Commission who think since the Republicans are in the majority there should be more Republicans working, but I also understand if someone is doing a good job and there are no issues, why change it?

Chairman Walden asked if the state law addresses the party make up of the poll workers?

Assistant Administrator Allen said he believes the statute says there should be a minimum of five workers and at least three of those five should be the majority party and the rest of the workers, it doesn't really matter, but you have to have that 3-2 split.

Commissioner Braly said then we don't have it right now.

Chairman Walden said this is fine to get through the November election, but going forward this needs to be on your program of things we need to improve for next year. We must comply with state law. There are great Republican people and there are great Democratic people, and we don't need to have some type of segregation between Democrats and Republicans.

Commissioner Clem said that also protects us in the event of a controversy to have both at each precinct.

Election Commission Employee Nathan Foster said we have a fair amount of workers rotate in and out. We have people who come in and work one election, hate it, and leave. We have people who retire. So we do have new people coming in each election. In regards to who we put in there, we keep a large list of alternates we go to when we need to replace workers. The alternates list comes from a variety of places: sign-up sheets at polling places, our website, referrals from people we know or the candidates and parties. Obviously we need to strive more for a balance between the parties in our staffing.

Chairman Walden said getting 704-plus people to work on one day is a challenge.

Commissioner Scott made a motion to approve the list of poll workers with the addition of the alternate list.

Commissioner Clem seconded the motion.

All approved.

Other Business:

Marker Bleed-through on ballots

Election Commission Employee Nathan Foster said he first wanted to ease the commissioners' minds that the marker bleed-through is not an issue in the machine's ability to determine votes.

Chairman Walden asked then what does make the machine reject a ballot?

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Election Commission Employee Nathan Foster said it can be any number of things like inserting the ballot weirdly or the ballot having a folded corner. The cardstock came into play in August because of the large number of write-in votes. The printer provided 90 pound cardstock which was compatible with the Accu-Vote machines. These new machines require a lighter stock. Dominion recommends 70 pound. When a write-in vote is submitted, there is a diverter that pushes the ballot into the write-in compartment. If there's any resistance with the paper the machine will say it's jammed and kick it back out. The stock of the paper was the primary cause. There were other little reasons, but that was the main thing. The ballot markers we're using are what are recommended by Dominion voting. We have also verified, through our own tests and with our auditors here, the ovals are not in line with any ovals on the opposite side. There's no way someone could fill in an oval, it bleed through to another oval, and that person inadvertently vote for someone else.

Chairman Walden said going to a lighter cardstock will make bleed-through worse.

Election Commission Employee Nathan Foster said yes. And we also understand there's a public perception about the bleed-through and people think that could cause an issue. We've decided that is not something worth fighting over. We have already conducted tests with these machines using regular ink pens and have decided to go back to regular ink pens.

National Voter Registration Day

Administrator Steelman said we will have a voter registration drive at Chattanooga State on September 23 and at the Hamilton County Fair on September 27- 28. UTC was not receptive to September 23.

Commissioner Scott said he's working with a voter drive that week and he will have UTC covered in his dates.

Administrator Steelman said we are still working with UTC and looking at a future date.

Legal matters:

Attorney Taylor said he had nothing to report.

Adjournment:

Commissioner Scott made a motion to adjourn.

Commissioner Braly seconded.

All approved.

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APPROVED:

Jerry Summers

Secretary

Michael S. Walden

Chairman

Ruth Braly

Commissioner

Chris Clem

Commissioner

Kelvin Scott

Commissioner