

**HAMILTON COUNTY ELECTION COMMISSION
MINUTES OF MEETING
Thursday, July 5, 2018**

Call to Order:

Upon notice duly given, Chairman Walden called to order an emergency meeting of the Hamilton County Election Commission at 9 a.m. on July 5, 2018 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

Invocation: **Commissioner Braly**

Pledge of Allegiance: **Commissioner Meadows**

Present at Meeting:

Commissioners Walden, Braly, Clem, and Meadows were present at the meeting, as well as Election Commission staff, and members of the public and media.

Approval of Minutes:

Commissioner Braly made a motion to approve the minutes.

Commissioner Meadows seconded the motion.

All were in favor.

New Business:

**Pursant to T.C.A. § 2-12-101 Commissioners Selection of Legal Counsel
for Representation and Other Business Related to Case No: 18-
730-I
Chancery Court for the State of Tennessee**

Chairman Walden said a summons was filed in Nashville for a matter before Hamilton County. The reason for this meeting is to obtain a law firm to represent our interested in Davidson County. You'll find two biographies in your package. Mr. Warnock and Mr. Evans are the two lawyers that are up for discussion.

Commissioner Clem said I called a number of corporate attorneys in Nashville who I know and asked for recommendations. Several people recommended these two lawyers; however, I do not know either of them personally. I did email both of them copies of the complaint, as well as the motions. They both reviewed them and responded. I think they both would do an excellent job. I am leaning more toward Tim Warnock because I liked his responses a little bit better.

Chairman Walden said Commissioner Clem, would you talk a little bit about the complaint and what you would recommend?

Commissioner Clem said the complaint alleges that Gerald McCormick did not qualify to withdraw. As you know, about three weeks ago Gerald McCormick went to the Tennessee

Hamilton County Election Commission – Minutes of Meeting July 5, 2018

Attorney General and asked for advice on whether or not he qualified to withdraw. The regular withdrawal deadline had already passed, but there are exceptions. The Attorney General advised that he did qualify for one of those exceptions. He then wrote this commission a notification that he was withdrawing pursuant to one of those exceptions. The Hamilton County Election Commission then took that letter to the Tennessee State Election Commission and Mark Goins, Tennessee State Election Coordinator, and Beth Henry-Robinson, his chief legal counsel, also advised that McCormick did qualify as being allowed to withdraw. Then Kerry Steelman, as the Hamilton County Elections Administrator, re-opened the qualifying period. At no time did any local or state political party file an objection or indicate there were any problems. Two people picked up papers and one, Robin Smith, qualified. The qualifying deadline closed. We scheduled a called meeting to approve the new ballot. At the same time, I'd like to note, a Democratic candidate wanted to withdraw because she notified us she had moved out of state and we accepted her letter as well.

Administrator Steelman said that actually was not a withdrawal. That was a disqualification.

Commissioner Clem said yes, a disqualification, based on her submitting information that she was moving out of state and wanted to be off the ballot. Again, no complaints, no objections. We had the meeting on Monday morning. I'm a trial lawyer and have to be in court at 9 a.m. on Monday mornings, so we convened at 8 a.m. We had a quorum and had a meeting. We were notified that Commissioner Summers might be running late. Again, no one showed up, no one had any objections. We approved the ballot and eight hours later the state Democratic party filed a lawsuit against us.

Chairman Walden said but even sooner than that you were presented with a letter.

Administrator Steelman said yes, about 20 minutes after the meeting I was presented with a letter. Essentially, as Commissioner Clem indicated, they notified us they intended to file a complaint.

Commissioner Clem said it was a 12 page fax with a three or four page letter. Then they filed a 13 page complaint with a couple of dozen pages of attachments. The point is, they clearly had this prepared last week. It was not prepared at 8 a.m. on Monday morning. They had all of this last week and just did not give us the courtesy of letting us know they had objections and intended to file suit until it was done. Now we need to hire an attorney in Nashville to defend this case. We might have a scheduling hearing as early as tomorrow so we really need to hire a law firm this morning.

Chairman Walden said how much are they an hour?

Commissioner Clem said they are both \$400 an hour.

Chairman Walden said can we set a budget of \$50,000?

Commissioner Braly made a motion to approve hiring Tim Warnock as our legal counsel based on \$400 an hour, with a maximum of \$50,000. If we need to sign a contract, we approve Kerry Steelman to sign the contract.

Commissioner Clem seconded the motion.

All approved.

