

**HAMILTON COUNTY ELECTION COMMISSION  
MINUTES OF MEETING  
Wednesday, August 15, 2018**

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 August 15, 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.

Approval of Minutes:

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

**Commissioner Clem** seconded the motion.

All were in favor.

New Business:

**Certification of Election**

**August 2, 2018 State Primary/County General Election Turnout Report**

**Administrator Steelman** said for the August election we had a total of 57,053 ballots cast out of 196,864 registered voters. Of those ballots, 21,358 were from Early Voting. The overall turnout was approximately 29% of registered voters. This is in line with the 2014 August election, with turnout in 2018 slightly higher. The percentage of Early Voters was approximately 11% which, again, was in line with 2014.

**Audit Report**

**Auditor Christian Bennett** said we're pleased to report that we had no issues in our normal auditing procedures. We observed the process of the machines coming in on Election Night to make sure the machines had not been tampered with in any way, verifying that the seal numbers we put on the machines and recorded were, in fact, the same seal numbers on the machines when they return. There was one precinct where the machine had an issue on Election Day and that precinct was selected for an audit, as we typically do. The results for the

## Hamilton County Election Commission – Minutes of Meeting August 15, 2018

audit on that precinct and the others selected were good. Additionally there were manually-counted ballots from the GIS provisionals and we observed that entire process. Auditor Quinten Howard went to two sites we thought were likely have some of these voters show up. We saw one voter from each of those precincts go through the entire process: they came in, were identified as a GIS provisional voter, and we watched them go through the process the commission put into place to ensure that process was followed. We didn't have any issues there. After all the machines came in, the GIS provisional board met in this room. They went through the process to determine there were the number of ballots that there should be. They went through the provisional bags and counted the number of ballots compared to the control list that was created by staff here at the office. They read each individual ballot. Two people on this side of the table called the ballots and two people on that side of the table tallied the votes. At the end of the night they compared the two sheets and made sure the results were identical. We observed that entire process and there were no issues or errors in those counts. Based on all those procedures, and there were no issues, we recommend certification of the results.

### Certification of Election Results

**Commissioner Braly** made a motion to certify the election results as presented.

**Commissioner Meadows** seconded the motion.

All approved.

**Chris Dahl**, candidate for County Commission District 4, said I would like to challenge Warren Mackay's address. I've sent a letter to the commission. I also have two motions to file in court, as well. One contesting his address and one contesting the overall race, as well, because of the low voter sample in my district.

**Chairman Walden** said say that again.

**Dahl** said because the majority sample of the votes were not pulled in to my district. The turnout in my district was only about 3,126 or something like that. It was such a low voter turnout that I want to contest the race based on things that have been brought up to my attention.

**Commissioner Clem** said I'm not sure why you're saying voter turnout...are you saying there was a reason voter turnout was low?

**Dahl** said that reason will be talked about more in the case when I file it in court.

**Chairman Walden** said this isn't the place for you to...thank you for telling us, but...

**Dahl** said I'm also contesting because I found out through reports that Mr. Mackay has not lived at his address for the past six years.

**Chairman Walden** said that is not something we deal with at this commission and this is not the right venue for you to...

**Dahl** said I was told I had to exhaust all measures and so I had to bring it up in front of the commission. Before I brought it up in court, I had to exhaust all administrative measures.

**County Attorney Rheubin Taylor** said Mr. Dahl called my office after he talked to Mr. Steelman and was told if he had a challenge to the certification he had to bring it here before he could take it to court.

## Hamilton County Election Commission – Minutes of Meeting August 15, 2018

**Administrator Steelman** said after the certification he has five days to file a challenge.

**Commissioner Clem** said an election contest?

**Administrator Steelman** said yes, an election contest.

**Chairman Walden** said and he would file that with whom?

**Dahl** said the chancery court.

**Administrator Steelman** said correct, not with the election commission.

**Chairman Walden** said then this isn't the venue.

**Administrator Steelman** said this is not the venue, correct.

**Commissioner Clem** said it's my understanding that there's one qualification for a candidate – he just has to live in Hamilton County to qualify as a County Commission candidate – correct? Does he have to live in the district?

**Attorney Taylor** said not to run but to serve.

**Commissioner Clem** said and Dahl's claim is that he's not in that district?

**Dahl** said everything is explained in that letter.

**Chairman Walden** said so after he's elected he has a certain timeframe to move within the district?

**Administrator Steelman** said specifically the statute TCA § 5-5-102b stipulates that members shall reside within and be qualified voters of the district they represent. In consultation with the state election coordinator's office and their legal counsel, when a candidate qualifies to run for county commission there is no requirement that candidate be a resident of that district.

**Chairman Walden** said and the same is true for Senate, House, etc. What he's allegedly done in the past has no bearing what he's doing going forward.

**Commissioner Clem** said even if you can prove what you're saying, we don't have any authority to remove him; but if you can prove it, a judge could, but we can't.

**Dahl** said I'm just exhausting all administrative measures.

### Certification of Election Expenses

**Administrator Steelman** said election expenses are \$37,972.33. This also includes the additional expenses we incurred with the District 26 matter.

**Chairman Walden** asked is that all inclusive?

**Administrator Steelman** said up until now. That includes the Davidson County lawsuit representation.

**Chairman Walden** said do we anticipate any future expenses? The appeal was dismissed yesterday. Is that included?

**Administrator Steelman** said that is not included in this. There may be additional expenses.

**Chairman Walden** said then we need to approve this as of today, pending additional expenses.

**Administrator Steelman** said that is correct. Also, we will receive some reimbursement, as we always do when we conduct municipal elections in conjunction with a county-wide election. There will be payments from the Town of Lookout Mountain and the Town of Signal Mountain. They are charged on a pro-rata basis for legal notices, the audit, and the ballot. For this election their portion was \$3,000 and \$3,500 respectively.

**Chairman Walden** said with the exception of the additional legal expenses for the frivolous lawsuit filed in Nashville, is this in line with previous elections?

## Hamilton County Election Commission – Minutes of Meeting August 15, 2018

**Administrator Steelman** said yes, sir. With these legal expenses, we are about 5% over what we budgeted for this election.

**Commissioner Clem** said so without the legal expenses, we would have been under budget.

**Administrator Steelman** said recognizing that these expenses were coming, we did make some adjustments where we could, to ensure that we would be within budget, as practical as possible.

**Chairman Walden** said and we set the budget for the lawsuit at \$50,000 and so far it's ended up costing us just under \$30,000.

**Commissioner Clem** said for Nashville. We have another one in Chattanooga.

**Commissioner Clem** made a motion to certify the election expenses for the state primary and county general election.

**Commissioner Braly** seconded the motion.

All approved.

### Scheduling

The Election Commission will meet on Friday, September 14, 2018 at 9 a.m. for business related to the November 6, 2018 election.

### Adjournment:

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

**Commissioner Meadows** seconded the motion.

All approved.

