

**HAMILTON COUNTY ELECTION COMMISSION**  
**MINUTES OF MEETING**  
**JULY 6, 2004**

**Call to Order.** Upon notice duly given, Chairman Waller called to order a regular meeting of the Hamilton County Election Commission at 5:05 p.m. on July 6, 2004, at the office of the Hamilton County Election Commission, 514 East 4<sup>th</sup> Street, Chattanooga, Tennessee.

**Present at Meeting.** Chairman Waller, Secretary Walden and Commissioners Kennedy and Johnson were present at the meeting. Chief Deputy Knowles, Deputy Woods, Administrator Fran Dzik and attorney Jerry Summers were present by invitation. Also present were members of the community as shown on the attached sheet.

**Approval of Minutes.** Upon motion by Commissioner Kennedy, seconded by Commissioner Johnson, the minutes of the June 14, 2004, meeting were unanimously approved.

**Early Voting Locations.** Administrator Dzik presented the Commission with recommendations for early voting locations for the August 5, 2004, election, based upon inspections and review by Chief Deputy Knowles. Upon motion by Commissioner Walker, seconded by Commissioner Kennedy, the following early voting locations and hours of operation were established:

1. Election Commission offices, July 16, 2004, through July 31, 2004, 8:00 a.m. until 8:00 p.m.;
2. Senior Neighbors Center, Boynton Drive, July 19, 2004, through July 23, 2004, 10:00 a.m. until 4:00 p.m.;
3. Northgate Mall, July 16, 2004, through July 31, 2004, 10:00 a.m. until 6:00 p.m.;
4. Collegedale City Hall, July 26, 2004, through July 30, 2004, 10:00 a.m. until 6:00 p.m.

**Absentee Ballot Boxes.** Administrator Dzik advised the Commissioner to designate a Republican and Democrat to lock the absentee ballot boxes. Commissioners Walden and Kennedy were designated.

**State Maps.** Administrator Dzik presented new maps from State and Local Government for Chairman Waller to sign.

**Appointment of Poll Workers; Absentee Counting Board; Inspectors.** Administrator Dzik presented the Commission with a list of poll workers, absentee counting board members, and inspectors for appointment for the August 5, 2004, election. Upon motion by Commissioner Walden, seconded by Commissioner Johnson, the list was unanimously approved by the Commission.

**Poll Hours.** Upon motion by Commissioner Johnson, seconded by Commissioner Walden, the Commission unanimously set polling hours of 8:00 a.m. until 8:00 p.m. for the August 5, 2004, election.

**Legal Matters.**

**Rosetta Tipton Issue.** Attorney Summers advised the Commission that the Rosetta Tipton unemployment issue was still pending and based upon his recommendation, upon motion by Commissioner Walden, seconded by Commissioner Johnson, the Commission unanimously approved the filing of a Petition for Judicial Review in Chancery Court.

**Destroyed Applications.** Administrator Dzik presented Attorney Summers and the Commission with three (3) voter registration applications from public assistance agencies which had been discovered in a trash can by a park ranger at Booker T. Washington State Park. Upon motion by Commissioner Johnson, seconded by Commissioner Walden, the Commission unanimously authorized Attorney Summers to present the forms to the District Attorney for investigation.

**Legal Fees.** Attorney Summers presented the Commission with a detailed statement for legal services rendered. Upon motion by Commissioner Walden, seconded by Commissioner Johnson, the statement was unanimously approved and the Administrator was instructed to submit the statement to the county finance department for payment.

**Elder Mountain.** Attorney Summers introduced Attorney Alan Cates, who was present with his clients, William A. and Ruth Holmberg. Attorney Cates introduced plats of the property prepared by David Hopkins, who was also present and answered questions regarding his survey. Attorney Summers presented the Commission with copies of the Marion County Assessor of Property tax bills and Hamilton County Assessor of Property tax bills, as well as documentation from Hamilton County Assessor of Property Bill Bennett regarding the location of the building on the site. Brian Turner and Greg Butler from the Hamilton County ITS and GIS Departments, respectively, were also present and answered questions regarding the mapping of the property. A lengthy discussion followed regarding the residency question of Mr. and Mrs. Holmberg. Upon motion by Commissioner Kennedy, seconded by Commissioner Walden, the Commission unanimously approved reinstating the voter registrations of Mr. and Mrs. Holmberg.

Whereupon, Attorney Summers advised the Commission that it was his opinion that the Commission was holding itself open to lawsuits by candidates who could challenge the validity of the Holmbergs' voting rights. Commissioner Walden at that point moved to rescind the motion, seconded by Commissioner Johnson. Commissioners Walden and Johnson voted in favor of rescinding the motion to reinstate the voter registration records of Mr. and Mrs. Holmberg and Commissioner Kennedy voted against rescinding the motion. The motion to rescind was sustained.

Attorney Summers was authorized to submit the plats of the property introduced by Attorney Cates, together with the information from the Marion County and Hamilton County Assessors of Property to Brook Thompson for another opinion as to the residency issue.

The Holmbergs were given the opportunity to complete voter registration applications which Administrator Dzik advised she would timely file with Marion County in order for Mr. and Mrs. Holmberg to be eligible to vote in the August 5, 2004, election. Administrator Dzik advised that if Brook Thompson rendered an opinion prior to August 5, 2004, stating that the Holmbergs were

eligible to vote in Hamilton County, she could reinstate their previous registrations, while affording them the opportunity to be registered in Marion County. The Holmbergs declined to register.

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**Adjournment.** There being no further business to come before the meeting, the meeting was adjourned.

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Michael S. Walden Secretary

APPROVED:

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Tyrone L. Waller Chairman

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Linda Johnson Commissioner

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William Kennedy Commissioner

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Luanne H. DeWitt Commissioner