

Davidson County Election Commission

April 17, 2021 1:00 p.m.

The Davidson County Election Commission (DCEC) met at 1:00 p.m. in the Sonny West Conference Room at Howard Office Building. Commissioners Jim DeLanis, Ross Evans, Tricia Herzfeld, Dan Davis, and A. J. Starling were present.

DCEC staff members present included Administrator of Elections (AOE) Jeff Roberts, Carlatina Hampton, Bobby Medley, and Kelley Harrison. Nicki Eke of the Metropolitan Department of Law; Bob Cooper, Director of the Metropolitan Department of Law, and Professor Jim Blumstein were present.

Chairman DeLanis convened the meeting at 1:15 p.m.

Approve minutes from April 6 and April 8, 2021

Motion stated: Commissioner Evans made a motion to approve the minutes from April 6, 2021 meeting as presented.

Seconded by: Commissioner Starling

Outcome of motion: Passed unanimously

Motion stated: Commissioner Starling made a motion to approve the minutes from April 8, 2021 meeting as presented.

Seconded by: Commissioner Evans

Outcome of motion: Passed unanimously

Presentation of Professor Jim Blumstein

Professor Blumstein was engaged by unanimous vote in the previous Commission meeting to represent the Commission in connection with the numerosity of signature issue associated with the Second Referendum Petition submitted by 4 Good Government.

Professor Blumstein offered the following opinion points concerning the numerosity issue of the 4 Good Government petition:

1. The November 2020 election does not qualify as a municipal general election, as it focused exclusively on state and federal offices.
2. The election in November 2020 for filling a school board vacancy should be considered to be a form of special election that does not qualify as a municipal general election, as provided under the Wise case.
3. The school board election to fill an unexpired term, as authorized by state law, appeared on the same ballot in November 2020 as the regularly scheduled general election for state and federal offices. That did not transform the nature and function of that November 2020 election into a general municipal election.
4. For purposes of treating the 4 Good Government petitions, the appropriate preceding election to rely on is the August 2020 election.

Subject matter presentations

Jim Roberts

Bob Cooper

Jamie Hollin

Public Comment

Raphaela Keohane

James B. Garrett

John Wendt

Nicole Williams

Discussion and possible vote on number of signatures required on petition

Discussion ensued.

The Commission voted to designate the August 2020 election for the purpose of calculating the number of required signatures for the petition to move forward.

The Commission voted to defer the certification of signatures to the next scheduled meeting.

Motion stated: Commissioner Davis made a motion to utilize the August 2020 election for the signature requirements.

Seconded by: Commissioner Herzfeld

Outcome of motion: Passed unanimously

Retention of Counsel

Discussion ensued concerning retention of counsel in connection with litigation arising out of the Second Referendum Petition submitted by 4 Good Government and any other matters before the Commission arising out of this petition.

Commissioner Herzfeld requested the Chairman negotiate agreements with Counsel and present those agreements at the next meeting.

This agenda item was deferred to the next scheduled meeting.

Discussion and possible vote on placing referendum before voters

Discussion ensued.

This agenda item was deferred to the next scheduled meeting.

AOE Report

AOE Roberts reported that the staff should be able to complete a review of the petitions containing ditto marks for the address within two (2) days.

Set date and time of next meeting

Thursday, April 22, 2021 at 3:30 p.m.

Adjourn

With no further election matters to discuss, Commissioner Herzfeld made a motion to adjourn the meeting.

Seconded by: Commissioner Starling

Outcome of motion: Passed unanimously

Tricia Herzfeld, Secretary