

Davidson County Election Commission

April 22, 2021 3:30 p.m.

The Davidson County Election Commission (DCEC) met at 3:30 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, Jeremy Greene, Lisa Pierce, Courtney Mott, Bobby Medley and Kelley Harrison. Lora Fox of the Metropolitan Department of Law, Attorney Austin McMullen and Professor Jim Blumstein were present.

Chairman DeLanis convened the meeting.

Approve minutes from April 17, 2021 meeting

Motion stated: Commissioner Herzfeld made a motion to approve the minutes from April 17, 2021 meeting as presented.

Seconded by: Commissioner Evans

Outcome of motion: Passed unanimously

Discussion and possible vote on certifying signatures for 4 Good Government Petition

AOE Roberts stated the completed review of verified signatures stands at 12,369 which is above the threshold of the required total of 12,142.

Motion stated: Commissioner Herzfeld made a motion to approve the total number of verified signatures.

Seconded by: Commissioner Davis

Outcome of motion: Passed unanimously

Retention of Counsel

Chairman DeLanis reported a proposed letter of engagement was received from the Bradley firm and Professor Blumstein essentially addressing three (3) scenarios:

1. Handling of issues before the Commission on the 2nd Referendum
2. Litigation
3. Circumstances where an issue arises quickly, and the Commission is not able to meet

Regarding Professor Blumstein's compensation, at this point going forward, other than the numerosity issue, he's agreed to a flat rate of \$25K **OR** regular hourly rate (whichever is less).

Discussion ensued.

Motion stated: Commissioner Herzfeld made a motion to retain the Bradley firm and Professor Jim Blumstein giving Chairman DeLanis the ability to negotiate terms of a representation agreement to be approved by the full Commission.

Seconded by: Commissioner Davis

Outcome of motion: Passed unanimously

Discussion and possible vote on placing referendum before voters

Motion stated: Commissioner Herzfeld made a motion to defer this agenda item until DCEC confers with newly retained counsel.

Seconded by: Commissioner Evans

Outcome of motion: Passed unanimously

AOE Report

Based on today's action by the Commission, the certification of the required number of signatures will be forwarded to the Metro Clerk's office

Public Comment

Jim Garrett

Set date and time of next meeting

Call of the Chair

Adjourn

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

Seconded by: Commissioner Evans

Outcome of motion: Passed unanimously

Tricia Herzfeld, Secretary