

Minutes of the Davidson County Election Commission

May 26, 2011

The Davidson County Election Commission (DCEC) met at 1:00 p.m. on May 26, 2011 in the Metro Office Building. Commissioners Lynn Greer, Patricia Heim, Steve Abernathy, and A.J. Starling were present. Commissioner Eddie Bryan was absent. DCEC staff members present included Administrator of Elections (AOE) Albert U. Tieche, Joan Nixon, Lionel Barrett, Pat Novotny, Tom Cunningham, and Kelley Harrison. Nicki Eke, Tom Cross both of the Metropolitan Department of Law, citizens Richard Curran, Jr., candidate Isaac Okoreeh-Baah, Councilman Jamie Hollin and attorney George Barrett were also in attendance.

Chairman Greer convened the meeting.

Approve minutes from April 14, 2011 meeting: Commissioner Heim made a motion to approve the minutes of the April 14, 2011 meeting as presented. The motion was seconded by Commissioner Starling and the motion passed unanimously.

Placement of candidate's name on ballot (Council District 29): Citizen Richard Curran, Jr. filed an official complaint on May 20, 2011 with the DCEC challenging whether a candidate for Council District 29 who submitted a name change to the DCEC on March 17, 2011 provided appropriate legal documentation supporting such a name change in accordance with TN Code Annotated. At issue was the name change of Mr. Isaac Okoreeh-Baah to Mr. Isaac Okoreeh Baah effecting a change from a hyphenated surname beginning with the letter "O" to a surname beginning with the letter "B" and making the previous portion of the surname his middle name. Mr. Curran, Jr. presented the board with several documents showing a hyphenated surname and the challenged voter/candidate was given an opportunity to respond stating that his surname is not hyphenated and his legal surname should have been listed as Baah all along. A discussion ensued among the Commissioners and both parties involved.

Commissioner Heim made a motion to reject the name change submitted on March 17, 2011 by the voter given the absence of sufficient evidence to contradict those items presented to the Commission and to retain Mr. Isaac Okoreeh-Baah's name on the voter registration records with a hyphenated surname as based on the original 1988 voter registration application. The motion was seconded by Commissioner Abernathy. Chairman Greer requested a roll call vote. Commissioners Greer, Heim and Abernathy voted yes while Commissioner Starling voted no. The motion passed with a 3-1 vote.

Commissioner Abernathy then made a motion to list Mr. Isaac Okoreeh-Baah's name on the August 4, 2011 election ballot using his hyphenated surname beginning with the letter "O" rather than excluding the hyphen or alphabetizing as if the surname was Baah as requested by the candidate since the latter listing would be confusing or misleading to

voters [T.C.A. § 2-5--204(c)]. Commissioner Heim seconded the motion and it passed unanimously with a 4-0 vote.

Approve candidates' names to appear on the August 4, 2011 ballot: Commissioner Abernathy made a motion to approve the names of the candidates as presented with the one modification in Council District 29 per the above agenda item. The motion was seconded by Commissioner Starling and the motion passed unanimously.

Lakewood legal fees: Commissioners discussed the letter from Metro Legal indicating that any assessed fees to the City of Lakewood arising from the contest of election would ultimately be offset by assets turned over to Metro Nashville following the dissolution of the satellite city. The Commissioners took no further action with respect to their earlier request of Metro Legal to seek reimbursement of legal fees incurred on behalf of the City.

Charter Amendment Petition (Fairgrounds): Chairman Greer indicated that two (2) issues would be addressed in regard to the Citizen-Initiated Charter Amendment Petition relating to the use of the Fairgrounds. Issue #1 is the minimum number of signatures required to place the issue on the August 4, 2011 ballot. Issue #2 relates to the actual petition format that will be accepted since eight (8) different versions with signatures were submitted by the organizing citizen group.

Commissioners received a briefing from Metro Legal indicating that based on a 1983 Tennessee Supreme Court ruling the appropriate preceding general election upon which the minimum numbers of signatures is based should be the August 5, 2010 general election. AOE Tieche stated that 67,420 voters cast general election ballots making the minimum number of valid signatures from Davidson County registered voters equal to 6,742.

Chairman Greer requested comments from both Attorney George Barrett and Councilman Jamie Hollin concerning the opinion presented by Metro Legal. A discussion ensued among the Commissioners with follow-up questions asked of each presenter.

Commissioner Starling made a motion to establish the minimum number of signatures required to place a citizen-initiated charter amendment on the August 4, 2011 election equal to 6,742. The motion was seconded by Commissioner Abernathy and it was approved unanimously.

AOE Tieche and Chairman Greer then presented large-scale copies of each of the eight (8) different petition formats submitted by the organizing citizen group to the DCEC for signature verification. Each of the formats is attached to these minutes and made a permanent part of this record.

Commissioner Heim made a motion to exclude petition formats #6, #7 and #8. Commissioner Starling seconded the motion and it was approved unanimously.

Commissioner Starling made a motion to exclude petition format #5. Commissioner Abernathy seconded the motion and it was approved unanimously.

Commissioner Heim made a motion to exclude petition format #4. Commissioner Starling seconded the motion and it was approved unanimously.

Without objection, petition formats #1, #2, and #3 were deemed as valid. Copies of all eight (8) petition formats will be attached as part of the minutes.

Following the above action, AOE Tieche reported the DCC staff had completed verifying all signatures on petition formats #1, #2, and #3 finding they collectively contained 11,159 valid signatures from duly registered voters of Davidson County. Accordingly, Commissioner Heim made a motion to certify the verification of all 11,159 signatures and that the citizen organizing group had met the required provisions of the Metro Charter to place the proposed amendment on the August 4, 2011 election ballot. Commissioner Starling seconded the motion and it was approved unanimously.

Budget review: The DCEC was presented with the FY 2011-12 Budget Report and it shows a \$23,800 reduction in what the commission requested and the Mayor's recommendation in regards to the August 2011 Metro General Election. Regarding the September 2011 Metro Run-Off Election, the reduction was \$10,400. There was no reduction for the 2010 Presidential Preference Primary and the poll official pay increase was not granted. The DCEC will request \$15,000 from the Metro Council for copier lease.

Poll official training materials: Agenda item deferred

Minute format: Agenda item deferred

Re-districting update: Tom Cunningham reported 94.6% of voters have been placed in their proper districts. There are only 101 more voters who need to be assigned to their proper districts so candidates can order their "updated" district voters list.

Administrator's reports: None stated

Set date for next meeting: The next meeting was scheduled for June 9, 2011 at 9:00 a.m.

Review registration cards: Agenda item deferred

Adjourn: There being no further business, Chairman Greer adjourned the meeting.

Lynn Greer, Chairman

Eddie Bryan, Secretary

Patricia Heim, Member

Steve Abernathy, Member

A. J. Starling, Member