

## **Minutes of the Davidson County Election Commission**

**September 13, 2012**

The Davidson County Election Commission (DCEC) met at 3:00 p.m. in the Metro Office Building. Commissioners Lynn Greer, Patricia Heim, Eddie Bryan, Steve Abernathy, and A J Starling were present. DCEC staff members present included Administrator of Elections (AOE) Albert U. Tieche, Joan Nixon, Nicole Smith, Courtney Mott, Lionel Barrett, Tom Cunningham, Bobby Medley, and Kelley Harrison. Also present was Ted Morrissey of the Metropolitan Department of Law.

Chairman Greer Convened the meeting.

**Approve September 4, 2012 meeting minutes:** Commissioner Bryan made a motion to approve the minutes from September 4, 2012 meeting. The motion was seconded by Commissioner Heim and passed unanimously. Chairman Greer called an "Executive Session" to meet with legal counsel concerning filing an amicus brief in Williamson County Election Commission v City of Brentwood appeal. The meeting convened after thirty minutes.

### **Select attorney to file amicus brief in appeal by Williamson County Election**

**Commission:** Chairman Greer recommended retaining attorney Paul Ney to file amicus brief on behalf of DCEC in the Williamson County Election Commission/City of Brentwood polling place lawsuit. Commissioner Heim made a motion to hire Paul Ney to file said amicus brief subject to negotiation of fees with Metro Department of Law. The motion was seconded by Commissioner Abernathy and passed unanimously.

**Re-considering use of EPB for November election:** Commissioner Abernathy explained his reasoning to have this item added to the agenda and why he wanted the board to rescind vote that was taken on September 4, 2012 regarding not using EPBs for the November election. Commissioner Abernathy read a prepared statement to the board (which will be attached as part of minutes) outlining his position in regard to using the EPBs in November. After the statement was read, Commissioners Bryan, Heim, and Starling commented explaining their views and concerns. Short of a motion, no action was taken. Commissioner Abernathy requested a copy of his letter be attached as part of the official minutes.

### **Election Day appointments/approval-November 6, 2012:**

- a. Election Day poll officials
- b. Early Voting poll officials
- c. Inspectors

- d. Nursing Home deputies
- e. Prison deputies
- f. Counting board
- g. Provisional Counting board

Commissioner Heim made a motion to approve Republican workers in items” b-g” but requesting additional names for the provisional counting board. The motion was seconded by Commissioner Abernathy and passed unanimously. Commissioner Starling made a motion to approve Democratic workers in items” b-g”. The motion was seconded by Commissioner Bryan and passed unanimously. AOE Tieche clarified that workers from the three (3) precincts where repetitive errors were made using EPBs were not included in the list of recommended appointments for the November election. Commissioner Heim made a motion to approve Republican workers in item “a”. The motion was seconded by Commissioner Abernathy and passed unanimously. Commissioner Bryan made a motion to approve Democratic workers in item “a”. The motion was seconded by Commissioner Starling and passed unanimously.

**Set location for provisional counting board:** Commissioner Heim made a motion to set Metro Southeast (MSE) as the location for the provisional counting board (date and hour for counting board was set in the September 4, 2012 meeting). The Commissioners expressed support for use of the appointed members of the Provisional Counting Board even if the number of Provisional Ballots cast during Early Voting and on Election Day are less than 100.

**Approve absentee paper ballots:** Bobby Medley presented absentee paper ballots for the commission to approve. Commissioner Heim made a motion to approve State absentee paper ballots. The motion was seconded by Commissioner Abernathy and passed unanimously. Commissioners were advised that the Metro Council will likely give final approval on September 18 to Charter amendments that will appear on a second ballot page.

**Approve Council Dist. 19 new lines:** AOE Tieche informed the board that due to a number of complaints from voters in Council District 19, a precinct line change should be considered. Bobby Medley explained the precinct line as: splitting the old 19-3 at Broadway and reassigning voters South of Broadway to 19-4 at Kayne Ave Baptist Church; voters North of Broadway will remain at 19-3 Watkins Park Community Center. Commissioner Heim made a motion to approve the new precinct line in Council District 19. The motion was seconded by Commissioner Starling and passed unanimously.

**Address confirmation for Room in the Inn voters who have moved:** AOE Tieche

informed Commissioners that an inquiry has been made about voters still registered at the 532 8<sup>th</sup> Ave South. Commissioner Heim informed the board that the mail delivery address for Room in the Inn was 532 8<sup>th</sup> Ave South and with construction of a new facility, the mail box was moved around the corner to 705 Drexel. There are 70 active voters and 49 inactive voters listed at 532 8<sup>th</sup> Ave South. Since the DCEC office was not notified of the mail delivery address change, those 70 voters listed at 532 8<sup>th</sup> Ave South should have their registration updated to reflect correct mail delivery address as 705 Drexel and mail a replacement voter ID card. Commissioner Heim made a motion pending approval from the State Election Commission to change the address from 532 8<sup>th</sup> Ave South to 705 Drexel. The motion was seconded by Commissioner Starling and passed unanimously.

**Administrator's Reports:**

- AOE Tieche issued poll official training schedule to the board

**Any old/new business:**

- Commissioner Heim would like to see signs in every voting machines saying, “ Voters, LOOK at your ballot; STOP if it is incorrect ballot; ASK about correct ballot.

- Joan Nixon is working on press release regarding the October 8, 2012 registration deadline (which falls on a federal mail holiday-Columbus Day) and a posting for the web homepage to ensure voters are well informed about the challenges of securing a postmark to meet the October 8, 2012 registration deadline

- A calendar of key election dates was distributed that will be added to the DCEC web homepage

**Set date for next meeting:** Subject to call of chair

**Adjourn:** No further business being discussed, the meeting adjourned.

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Lynn Greer, Chairman

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A J Starling, Secretary

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Patricia Heim, Member

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Eddie Bryan, Member

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Steve Abernathy, Member