

Davidson County Election Commission

June 25, 2021 2:00 p.m.

The Davidson County Election Commission (DCEC) met at 2:00 p.m. in the Green Hills Conference Room at Metro Southeast. Commissioners Jim DeLanis, Ross Evans, Tricia Herzfeld, Dan Davis, and A. J. Starling were present.

DCEC staff members present included Joan Nixon, John Hite, Rick Brown, Courtney Mott, Lisa Pierce, Bobby Medley, and Kelley Harrison. Administrator of Elections (AOE) Jeff Roberts was not present. Also present were Nicki Eke and Allison Bussell, Metropolitan Department of Law, Professor Jim Blumstein, and Attorney Austin McMullen.

Jim DeLanis convened the meeting.

Approve minutes from June 9, 2021 meeting

Motion: Commissioner Starling made a motion to approve the minutes from June 9 as presented.

Seconded by: Commissioner Davis

Outcome of motion: Passed unanimously

Public Comment

Nicole Williams

Jason Freeman

Councilman Tom Cash

Motion stated: Commissioner Herzfeld made a motion to have letters and emails from various Council Members and the public regarding an appeal of the referendum election attached to the official DCEC record.

Seconded by: Commissioner Starling

Outcome of motion: Passed unanimously

Status of litigation and any necessary action

Professor Blumstein discussed next steps for the Commission as a result of Chancellor Perkins' ruling. This included a Resolution prepared by counsel and distributed in the meeting.

Discussion ensued.

Commissioner Herzfeld expressed concern that none of the Commissioners received a copy of the Resolution prior to the meeting. Commissioner Herzfeld also expressed concern that there was a lack of communication to the entire body of the Commission and the Commissioners were not being informed of decisions and strategies made by the representing attorneys.

Motion stated: Commissioner Herzfeld made a motion that each member of the Commission receive the same level of communication from the attorneys as the Chairman.

Seconded by: Commissioner Starling

Outcome of motion: Failed with 2 -3 vote

More discussion ensued concerning the Resolution drafted by counsel.

Motion stated: Commissioner Davis made a motion that, on advice of counsel retained by the DCEC, they adopt the last 3 paragraphs of the Resolution. (paragraphs included below)

The July 27, 2021 referendum election on the Metro Charter amendments proposed by the Petition is hereby canceled;

The referendum election on the Metro Charter amendments proposed by the Petition and previously set for July 27, 2021 is conditionally reset for September 21, 2021, conditioned on authorization from an appropriate court that concludes that the Election Commission acted appropriately in voting to place the proposed amendments on a ballot for a referendum election; and

The Election Commission authorizes its retained counsel to pursue an appeal or appeals of the final order entered by Chancellor Perkins, holding that the Petition does not satisfy all legal prerequisites to be placed on an election ballot.

Seconded by: Commissioner Evans

Outcome of motion: Passed with 3 -2 vote

After said vote, Professor Blumstein informed the Commission he will ask Austin McMullen of the Bradley firm to file the notice of appeal right away.

Set date and time for next meeting

Tuesday, July 6, 2021 at 8:00 a.m.

Adjourn

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

Seconded by: Commissioner Starling

Outcome of motion: Passed unanimously

Tricia Herzfeld, Secretary