

## Davidson County Election Commission

April 7, 2022 3:30 p.m.

The Davidson County Election Commission (DCEC) met at 3:30 p.m. in the Sonny West Conference Room at the Howard Office Building. Commissioners Jim DeLanis, Dan Davis, Tricia Herzfeld, Ross Evans and A. J. Starling were present.

DCEC staff members present included Administrator of Elections (AOE) Jeff Roberts, Bobby Medley and Sandy Troope.

Also present were Nicki Eke of the Metropolitan Department of Law, Professor James Blumstein, and Attorney Austin McMullen and Attorney Richard Swor of the Bradley Firm.

Chairman DeLanis convened the meeting.

### **Approve minutes from March 18, 2022 meeting**

**Motion stated:** Commissioner Starling made a motion to approve the minutes from the March 18, 2022 meeting as presented.

**Seconded by:** Commissioner Evans

**Outcome of motion:** Passed unanimously

### **Discussion of Dominy vs. Davidson County Election Commission (Open Meetings Act decision)**

Attorney Richard Swor filled in for Attorney Junaid Odubeko. Mr. Swor presented the status of the litigation related to the Open Meetings Act, which was filed against Metro. Subsequently, the DCEC was added in September 2020.

On January 28, 2021, Chancellor Lyle granted a motion for judgment on the pleadings and the case was dismissed with prejudice.

Earlier this week, Attorney Jim Roberts, on behalf of plaintiff Mr. Dominy, filed a notice of appeal to the Tennessee Courts of Appeals.

Discussion ensued.

Chairman DeLanis suggested giving authorization to the DCEC attorneys to convince Mr. Jim Roberts to drop the appeal, and for the DCEC attorneys to seek fees and costs, if appropriate. The Commission gave authorization by unanimous vote.

### **Discussion of Metro Government vs. Davidson County Election Commission (3/25/22 Court of Appeals decision)**

Professor Blumstein presented the decision by the Court of Appeals and the status of the litigation initiated by Metro Government to challenge the For Good Government's proposed amendments to the Charter.

The Commission approved having all 6 proposed amendments on the ballot, but Metro sued to block the decision.

Discussion ensued to proceed with this case to the Supreme Court.

**Motion stated:** Commissioner Herzfeld made a motion that the DCEC not appeal to the Supreme Court.

**Seconded by:** Commissioner Starling

**Outcome of motion:** Failed 2 – 3

Commissioners Herzfeld and Starling – yes

Commissioners DeLanis, Davis, and Evans – no

**Motion stated:** Commissioner Davis made a motion to continue with the litigation and go forward with the appeal to the Supreme Court.

**Seconded by:** Commissioner Evans

**Outcome of motion:** Passed 3 -2  
Commissioners DeLanis, Davis, and Evans – yes  
Commissioners Herzfeld and Starling - no

### **AOE Report**

- Bobby Medley reported the redistricting task has finally been completed
- Pre-redistricting there were 244 precincts; now there are 304
- Pre-redistricting there were 160 polling locations; now there are 179
- Pre-redistricting there were 59 precincts with split districts; now there are 94
- Schools will be closed on Election Day, May 3, 2022
- Redistricting added 15 new schools, 3 community centers, 3 churches, 2 Metro facilities and 1 fire hall
- To date 700 Absentee Ballot requests received for May 3, 2022 election
- April 26 is last day to request Absentee Ballot for May election
- May 6 is first day to request Absentee Ballot for August 4, 2022 election

### **Public Comments**

James Garrett

Nicole Williams

### **Set date and time for next meeting**

**Motion stated:** Commissioner Herzfeld made a motion to set next DCEC meeting for Friday, May 20, 2022 at 3:30 p.m., per staff's recommendation.

**Seconded by:** Commissioner Starling

**Outcome of motion:** Passed unanimously

### **Adjourn**

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

**Seconded by:** Commissioner Evans

**Outcome of motion:** Passed unanimously

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Tricia Herzfeld, Secretary