

Tre Hargett, Secretary of State

State of Tennessee



Division of Elections
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-0305

Mark Goins
Coordinator

615-741-7956
Mark.Goins@tn.gov

September 23, 2014

Revonda Raper
111 Tango Drive
Madisonville, TN 37354

RE: HAVA Complaint

Dear Ms. Raper,

Our office received your Title III HAVA Complaint on August 29, 2014. According to Section 402 of Title IV of the Help America Vote Act (hereinafter HAVA), each state must establish a state-based administrative complaint procedure. Pursuant to that section, the Coordinator of Elections or designee must determine if a violation of Title III has occurred. A violation of Title III includes the following categories:

- voting systems standards
- provisional voting
- voter information requirements
- computerized statewide voter registration list
- accessibility for individuals with disabilities

The first issue set forth in the complaint is the number of election officials appointed to work during an election. It is my understanding that you have met with James Brown regarding this matter. However, I would like to take this opportunity to provide you with the statutes that address the appointment of election officials. It is the responsibility of the election commission, not the administrator of elections, to appoint the appropriate number of election officials to hold an election. Pursuant to Tennessee Code Annotated § 2-4-102, at each polling location, which would include early voting locations, at least one (1) officer of elections and three (3) judges shall be appointed by the election commission. Two (2) of the judges appointed shall concurrently serve as precinct registrars and in locations where voting machines are used any judge not appointed to serve as a precinct registrar shall serve as a machine operator for that polling location. Additional registrars and machine operators may be appointed as necessary to adequately staff the location. Tennessee Code Annotated § 2-4-105 states that these appointments are to be made by both political parties and as nearly as practicable, no more than

½ of the election officials may be members of the same political party. Therefore, your concerns should be brought to the attention of the Democratic election commissioners so that when the appointments are made at a regular scheduled meeting, a sufficient numbers of election officials from each political party may be appointed. It is the duty of the administrator to then notify those individuals appointed by the election commissioners.

Regarding Mr. Brown's political affiliation, there is no prohibition in the statutes which prohibits Mr. Brown from attending the Monroe County Republican Party meetings. This office encourages each administrator to conduct themselves in a nonpartisan manner as it relates to their administrative duties; however, our office cannot regulate an administrator's personal opinions.

Since none of the issues set forth in the HAVA complaint constitute a violation of Title III of the Help America Vote Act, the complaint procedure states that when no violation of Title III is found the complaint must be dismissed. Therefore, the HAVA complaint will be dismissed as it relates to a Title III violation. I have addressed your concerns above as a general elections complaint.

Thank you for bringing these issues to our attention. Should there be issues during the November election, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cara Harr".

Cara Harr
HAVA Attorney

Cc: James Brown, Monroe County Election Commission