The State Election Commission meeting was called to order by Chairman Kent Younce at 12:15 p.m., Central Standard Time, July 13, 2015. The following members and staff were present: Chairman Younce; Commissioners Barrett, Blackburn, McDonald, Wallace and Wheeler; Coordinator of Elections Mark Goins, Mary Beth Thomas, General Counsel for the Secretary of State and Kathy Summers, Elections Specialist.

Commissioner McDonald made a motion to adopt the minutes from May 4, 2015, Commissioner Barrett seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Blackburn made a motion to adopt the minutes from June 22, 2015, Commissioner Wallace seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Wheeler made a motion to adopt the minutes from June 30, 2015, Commissioner Barrett seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Barrett made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Wallace and unanimously approved by the Republican members to accept the Republican nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, July 13, 2015. (Aye votes: Barrett, Blackburn, Wallace and Younce; No votes: None; Abstention: None.) (See attached list of Republican appointments made.)

Commissioner McDonald made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Wheeler and unanimously approved by the Democratic members to accept the Democratic nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, July 13, 2015. (Aye votes: McDonald and Wheeler; No votes: None; Abstention: None.) (See attached list of Democratic appointments made.)
Old Business

- **Unisyn OpenElect 1.2 – Discuss Viewing of Voting Machines in Vigo County, Indiana on May 5, 2015, for use of ballot on demand and Unisyn OpenElect 1.3 upgrade.** Todd Mullen of RBM, who represents Unisyn Voting Systems, indicated the reason for the visit was to view the ballot on demand portion of the machine. Coordinator Goins indicated the machine was being marketed a little differently than originally certified and therefore needed further review. Commissioner McDonald reviewed the machines along with Coordinator Goins and Chairman Younce. Commissioner McDonald indicated the machine has features which he likes. He specifically liked that a voter can view and verify their ballot before they take the ballot to the election official to be counted. Commissioner McDonald was concerned regarding the size of the ballot box which contained voted ballot boxes. Mr. Mullen understood Commissioner McDonald’s concerns and indicated the county election commission should have had additional ballot boxes available to lock voted ballots inside. Chairman Younce likes the voting machines and indicates there is less waste with the ballots printed on demand.

Commissioner Wheeler made a motion to approve the Unisyn OpenElect 1.2 voting machine ballot on demand portion of the machine, seconded by Commissioner Wallace and unanimously approved by all commissioners present. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **MicroVote Voting Machine – Infinity 4.1 – Request for approval and use of firmware upgrade.** – Coordinator Goins discussed this request. MicroVote has received preliminary approval for Infinity 4.1 but has not received actual board approval. MicroVote will bring this request back to the State Election Commission after final approval. (See attached letter.)

New Business

- **Joseph Johnston – Administrative Complaint** – Mr. Johnston has qualified as a write-in candidate for Metro Council at Large for the August 6, 2015, Metro Nashville Davidson County General Election. Mr. Johnson indicated this is a Petition for Declaratory Order and not an administrative complaint and he wants the commission to clarify the law. Mr. Johnson stated that TCA § 2-7-133(i) deals with counting ballots and requires write-in candidates to submit notification to the county election commission to have their name counted. It is Mr. Johnston’s desire that the county election commissions be required to notify
voters of write-in candidates and that the State Election Commission require the counties, specifically Davidson County, to provide such information to the voters.

Chairman Younce asked Coordinator Goins and Mary Beth Thomas, General Counsel for the Secretary of State, if the State Election Commission has the authority to require the county election commissions to do what Mr. Johnston is requesting. Coordinator Goins indicated what Mr. Johnston is trying to do is make a requirement or duty to post or instruction voters of write-in candidates which goes beyond the law.

The State Election Commission went into Executive Session to discuss with Mary Beth Thomas their duties related to Mr. Johnston’s request.

A motion was made by Commissioner Barrett and seconded by Commissioner Wheeler to deny Mr. Johnston’s petition for Declaratory Order due to lack of jurisdiction. The motion to deny was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Donna DeStefano – Tennessee Disability Coalition** – Mrs. DeStefano gave a presentation on web experience for persons with disabilities. (A copy of the information provided is attached to the minutes.)

- **Jefferson County** - State Election Commission members discussed the request made by Charles Gibson, Administrator of Elections for Jefferson County Election Commission. Mr. Gibson would like to be excused from the 2015 Election Seminar.

A motion was made by Commissioner Wheeler and seconded by Commissioner Blackburn to excuse Charles Gibson from the seminar. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **2015 – TACEO – AOE Attendance Record** – Attendance records for those attending the 2015 Election Seminar were presented to the commission.

A motion was made by Commissioner Wheeler and seconded by Commissioner Blackburn to accept the attendance records for the 2015 Election Seminar. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Wendell Moore – ES&S - State Election Commission Policy for Certifying Voting Machines** – Mr. Moore discussed the voting machine certification process and issues vendors have with getting
their voting machines certified in Tennessee. There are concerns regarding finding elections which are not on the same day as Tennessee elections and an election that would satisfy the commission's policy for certification.

Coordinator Goins said MicroVote also has concerns regarding the certification process and MicroVote is suggesting the State Election Commission move to an “end-to-end regression test.” The end to end regression test could be repeated for the State Election Commission to view and the vendor would absorb the cost. Currently, MicroVote has a request to provide Van Buren with voting machines to replace those destroyed by a fire. MicroVote does not have certain components to build to the current approved machine as the shelf life on certain components has expired. (See attached letter.)

Chairman Younce suggested the commission set up a committee to review the voting machine policy and named the following members to the committee: Commissioner Donna Barrett, Commissioner Judy Blackburn and Commissioner Mike McDonald. The Committee will meet on August 19, 2015.

- **Unisyn OpenElect 1.3** – Todd Mullen of RBM, who represents Unisyn Voting Systems, indicated OpenElect 1.3, has received certification by the EAC and he has provided the commission with letters of recommendation from other users in other jurisdictions for approval. (See letters attached.)

Commissioner Wheeler made a motion to approve the upgraded Unisyn OpenElect 1.3 voting machine, seconded by Commissioner Wallace and unanimously approved by all commissioners present. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

**Coordinator Update**

- **Legislation Update** – Coordinator Goins provided members with a list of pending legislation. A copy of the pending legislation is attached to the minutes.

- **Sunset Hearing** – The State Election Commission is set for Sunset Review on August 19, 2015 at 9:00 a.m. central time. Coordinator Goins provided the members with a copy of the questions and current responses. A copy of the information provided is attached to the minutes.

- **Wayne Pruett – HAVA Coordinator** – Coordinator Goins advised Wayne Pruett is retiring and his last day will be at the end of the year.
Commissioner McDonald requested a letter for State Election Commission members to sign commending Mr. Pruett for his service. Chairman Younce requested Mr. Pruett be invited to the next meeting of the State Election Commission.

- **Hamilton County - Ballot Bags** – Hamilton County uses a separate ballot bag than other counties and in the past their bags have been approved under pilot project basis. Hamilton County would like to have their bags approved for permanent use and would like to appear at the next State Election Commission to address the commission.

The next regularly scheduled meeting is set for October 12, 2015 and will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3rd floor at 12:00 Noon Central Standard Time.

Chairman Younce adjourned the meeting.

Respectfully submitted,

[Signature]

Tom Wheeler, Secretary
State Election Commission
NOTICE

NOTICE IS HEREBY GIVEN THAT THE STATE ELECTION COMMISSION WILL MEET MONDAY, JULY 13, 2015 AT NOON, CENTRAL DAYLIGHT TIME IN THE NASHVILLE ROOM – 3rd FLOOR, WM. R. SNODGRASS – TN TOWER NASHVILLE, TN TO MAKE ANY COUNTY ELECTION COMMISSION APPOINTMENTS PURSUANT TO TCA §§ 2-12-101 AND 2-12-106, AND TO CONDUCT ANY BUSINESS THAT MAY COME BEFORE THE COMMISSION AT THAT TIME.

IF A PHYSICAL QUORUM IS NOT PRESENT, AN EMERGENCY SHALL BE DECLARED TO EXIST AND THE MEETING SHALL PROCEED ELECTRONICALLY.

Any individuals with disabilities who wish to participate in these proceedings should contact the Department of State to discuss any auxiliary aids or service needed to facilitate such participation. Such initial contact may be in person, in writing, by telephone, or otherwise, and should be made prior to July 13, 2015, to allow time for the Department of State to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator, at Suite 700, William R. Snodgrass - Tennessee Tower, Nashville, TN 37243: (615) 741-7411, Tennessee Relay Center TDD 1-800-848-0298, Voice 1-800-848-0299.

Contact for all other requests not listed above:
Elections Division – 615-741-7956
STATE ELECTION COMMISSION MEETING

July 13, 2015

NOON - Central Time

Nashville Room – 3rd Floor - Wm. R. Snodgrass – TN Tower

AGENDA

1. Approve Minutes From:
   - May 4, 2015 – Regular Meeting
   - June 22, 2015 – Telephonic Meeting
   - June 30, 2015 – Telephonic Meeting

2. County Election Commission Appointments Pursuant to TCA §§ 2-12-101 and 2-12-106.

3. Old Business
   - Discuss Vigo County, Indiana Election – Unisyn Voting Machine – Open Elect version 1.2 – for use of ballot on demand.
   - Unisyn Voting Machine – Open Elect 1.3 – Request for approval.

4. New Business
   - Joseph Johnston – Administrative Complaint
   - Donna DeStefano – Tennessee Disability Coalition
   - Jefferson County – Charles Gibson – Request to be excused from TACEO Seminar.
   - 2015 - TACEO – AOE Attendance Record
   - Wendell Moore – ES&S – Regarding Certification Process

5. Coordinator Update

6. Next Meeting
   - October 12, 2015 - Nashville Room – 3rd Floor Wm. R. Snodgrass – TN Tower – NOON – Regular Meeting

7. Adjourn
Vacant Status

Marshall
D  Mike McDonald
R  Donna Barrett

Total Vacancies: 1
## Holdover Status

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<th>Reappointment</th>
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### Henry

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<td>R</td>
<td>Kent Younce</td>
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**Total Holdovers: 5**
## New Appointment Status

**14-Jul-15**

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<td>D. Sylvia C. Humphreys</td>
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Total New Commissioners: 3
July 21, 2015

Chris Ortiz, Certification Manager
Unisyn Voting Solutions
2310 Cousteau Court
Vista, CA 92081

Dear Mr. Ortiz:

This letter is to inform you of the certification of the Unisyn OpenElect 1.3 (Modification), bearing the EAC Certification Number: 04211950-1.3 by the State Election Commission on July 13, 2015. This is a software update for your voting machine which was previously certified on June 18, 2012.

Thank you for your cooperation in the certification process.

Sincerely,

Mark Goins
Coordinator of Elections

Attachment: EAC Certification Number 04211950-1.3
Unisyn OpenElect 1.3
(Modification)

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines (VVSG). Components evaluated for this certification are detailed in the attached Scope of Certification document. The evaluation applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC Voting System Testing and Certification Program Manual and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: OpenElect
Model or Version: Version 1.3 (Modification)
Name of VSTL: NTIS Huntsville
EAC Certification Number: 04211990-1.3
Date Issued: 01/12/2015
Scope of Certification

This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is not:

- An endorsement of a Manufacturer, voting system, or any of the system’s components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer’s suspension or other action pursuant to Federal civil and criminal law.

System Overview:
The Unisyn OpenElect Voting System 1.3, herein referred to as OVS 1.3, is a modification to the certified OVS 1.2. The OVS 1.3 Voting System is a paper-ballot based optical scan voting system consisting of four major components:

1. OpenElect Central Suite (OCS)
2. OpenElect Voting Optical (OVO)
3. OpenElect Voting Interface (OVI-7 or OVI-VC)
4. OpenElect Voting Central Scan (OVCS)

The Unisyn OVS 1.3 voting system Technical Data Package (TDP) was the source for much of the information in this document.
OpenElect Central Suite (OCS)
The OCS consists of the eight components running as either a front-end/client application or as a back-end/server application: Ballot Layout Manager (BLM), Election Manager (EM), Election Server (ES), Tabulator Client (TC), Tabulator, Adjudicator, Tabulator Reports (TR) and Software Server (SS).

OpenElect Voting Optical (OVO)
The OVO device is a precinct-level optical scan ballot counter (tabulator) designed to perform the following major functions: ballot scanning, tabulation, and second chance voting.

The OVO is a full-page, dual-sided optical scan ballot system which scans and validates voter ballots and provides a summary of all ballots cast. The election is loaded from the OVS Election Server over a secure local network or via a USB thumb drive. On Election Day, an OVO at each polling location scans and validates voters’ ballots, and provides precinct tabulation and reporting. The OVO unit is also paired with the OVI for early voting to scan and tabulate early voting ballots. OVO units can also be used at election headquarters to read absentee, provisional, or recount ballots in smaller jurisdictions.

OpenElect Voting Interface (OVI)
The OVI supports both ADA and Early Voting requirements. The OVI enables voters during early voting to cast regional ballots and voters with special needs to prepare their ballots independently and privately on Election Day. The OVI unit features a 7-inch or optional 15-inch full-color touch-screen display. The OVI will present each contest on the correct ballot to the voter in visual and (optionally) audio formats. The voter with limited vision navigates through the ballot using the audio ballot and the ADA keypad or touchscreen input to make their selections. The voter validates his or her selections by listening to the audio summary, printing the ballot, and inserting it into the OVO. Two OVI models are included in the OVS 1.3 voting system, the OVI-7 which has a 7” LCD screen and the OVI-VC which has a 15” LCD screen.

The OVI facilitates special needs voters through a variety of methods including wheelchair access, sip & puff, zoom-in ballot function, and audio assistance for the visually impaired. The OVI provides for write-in candidates when authorized by the jurisdiction. Voters input candidates’ names via the ADA keypad, touchscreen or sip & puff device. Each OVI can support multiple languages for both visual and audio ballots, allowing the voter to choose their preferred language.

OpenElect Voting Central Scanner (OVCS)
The OVCS resides at election headquarters designated to read absentee, provisional, or recount ballots in large jurisdictions, or read the entire election’s ballots at a central count location in smaller jurisdictions. The OVCS also captures write-in data images and produces a write-in
image report for manual processing upon request. The OVCS system consists of the following components: OVCS Workstation and Canon DR-X10C Scanner.

Certified System before Modification:
Unisyn Voting Solutions OpenElect 1.0
Certificate ID: UNS10121966-OE

Unisyn Voting Solutions OpenElect 1.0.1
Certificate ID: UNS10121966-OE-WI

Unisyn Voting Solutions OpenElect 1.1
Certificate ID: UNS10121966-OE-1.1

Unisyn Voting Solutions OpenElect 1.2
Certificate ID: UNS10121966-OE-1.2

Anomalies and/or Additions addressed in OpenElect 1.3:

The OVS 1.3 provides enhancements from the OVS 1.2 to the OVS 1.3 system. This update includes functional and hardware modifications to the EMS, OVO, OVI, and OVCS.

Mark definition:
The Unisyn Open Elect system will consistently recognize a 1mm wide line across the full length of the target area. Marks must be made with a marking device with sufficiently low reflectance in the visible red band and of sufficient density/color such that the scanner registers it as black. Most blue, black and green ballpoint pens and markers also meet necessary reflectance requirements and may be used.

Tested Marking Devices:
- BIC Grip Roller
- EF Felt Tip Pen

Language capability:
System supports Armenian, Cambodian, Chinese (Cantonese and Mandarin dialects), English, Japanese, Korean, Russian, Spanish, Tagalog, and Vietnamese.

Components Included:
This section provides information describing the components and revision level of the primary components included in this Certification.
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<th>Software or Firmware Version</th>
<th>Hardware Version</th>
<th>Operating System or COTS</th>
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**COTS Components**

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<td>Apache Tomcat Application Server</td>
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<td>Laptop</td>
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System Limitations

This table depicts the limits the system has been tested and certified to meet.

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</tr>
<tr>
<td>Maximum Candidates per Contest</td>
<td>BLM</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>Maximum Ballot Pages</td>
<td>BLM</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Maximum Votes for N of M</td>
<td>BLM</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Maximum Ballot sheets per OVO</td>
<td>BLM</td>
<td>5000</td>
<td></td>
</tr>
<tr>
<td>Maximum Units simultaneously loading</td>
<td>BLM</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Maximum Precincts initialized per OVO on Election Day</td>
<td>BLM</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Maximum Precincts initialized per OVI-7/OVI-VC on Election Day</td>
<td>BLM</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Maximum Precincts initialized per OVO/OVI-7/OVI-VC in early voting</td>
<td>BLM</td>
<td>2000</td>
<td></td>
</tr>
<tr>
<td>Maximum 11” Ballot positions</td>
<td>BLM</td>
<td>38 x 3</td>
<td>Limit</td>
</tr>
<tr>
<td>Maximum 14” Ballot positions</td>
<td>BLM</td>
<td>50 x 3</td>
<td>Limit</td>
</tr>
<tr>
<td>Maximum 17” Ballot positions</td>
<td>BLM</td>
<td>62 x 3</td>
<td>Limit</td>
</tr>
<tr>
<td>Maximum 19” Ballot positions</td>
<td>BLM</td>
<td>70 x 3</td>
<td>Limit</td>
</tr>
</tbody>
</table>

Functionality

2005 VVSG Supported Functionality Declaration
<table>
<thead>
<tr>
<th>Feature/Characteristic</th>
<th>Yes/No</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voter Verified Paper Audit Trails</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VVPAT</td>
<td>No</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Accessibility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward Approach</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Parallel (Side) Approach</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Closed Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary: Closed</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Open Primary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary: Open Standard (provide definition of how supported)</td>
<td>Yes</td>
<td>A registered voter may vote in any party primary regardless of his own party affiliation</td>
</tr>
<tr>
<td>Primary: Open Blanket (provide definition of how supported)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Partisan &amp; Non-Partisan:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partisan &amp; Non-Partisan: Vote for 1 of N race</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Partisan &amp; Non-Partisan: Multi-member (&quot;vote for N of M&quot;) board races</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Partisan &amp; Non-Partisan: “vote for 1” race with a single candidate and write-in voting</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Partisan &amp; Non-Partisan “vote for 1” race with no declared candidates and write-in voting</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Write-In Voting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Write-in Voting; System default is a voting position identified for write-ins.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Write-in Voting: Without selecting a write in position.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Write-in: With No Declared Candidates</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Write-in: Identification of write-ins for resolution at central count</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Primary Presidential Delegation Nominations &amp; Slates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Slate &amp; Group Voting: one selection votes the slate.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ballot Rotation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting</td>
<td>Yes</td>
<td>Top to Bottom By Precinct grouping</td>
</tr>
<tr>
<td>Straight Party Voting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Straight Party: A single selection for partisan races in a general election</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Straight Party: Vote for each candidate individually</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Straight Party: Modify straight party selections with crossover votes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Straight Party: A race without a candidate for one party</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Straight Party: “N of M race (where “N”&gt;1)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Feature/Characteristic</td>
<td>Yes/No</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>Straight Party: Excludes a partisan contest from the straight party selection</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Cross-Party Endorsement:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross party endorsements, multiple parties endorse one candidate.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Split Precincts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Split Precincts: Multiple ballot styles</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Split Precincts: P &amp; M system support splits with correct contests and ballot identification of each split</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Split Precincts: DRE matches voter to all applicable races.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vote N of M:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vote for N of M: Counts each selected candidate, if the maximum is not exceeded.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vote for N of M: Invalidates all candidates in an overvote (paper)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Recall Issues, with options:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2nd contest.)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2nd contest.)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Cumulative Voting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting: Voters can write in a ranked vote.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Feature/Characteristic</td>
<td>Yes/No</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
<td>--------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Provisional or Challenged Ballots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation, but can be added in the central count.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Overvotes (must support for specific type of voting system)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overvotes: P &amp; M: Overvote invalidates the vote. Define how overvotes are counted.</td>
<td>Yes</td>
<td>Supported. Overvotes are tabulated for each office as an Over / Under Vote report in Vote Tabulation</td>
</tr>
<tr>
<td>Overvotes: DRE: Prevented from or requires correction of overvoting.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Undervotes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undervotes: System counts undervotes cast for accounting purposes</td>
<td>Yes</td>
<td>Supported. Undervotes are tabulated for each office as an Over / Under Vote report in Vote Tabulation</td>
</tr>
<tr>
<td>Feature/Characteristic</td>
<td>Yes/No</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td>Blank Ballots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totally Blank Ballots: Any blank ballot alert is tested.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Display/Printing Multi-Lingual Ballots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spanish</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Alaska Native (Other Group specified)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Aleut</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Athabascan</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Eskimo</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Native (Other Group Specified)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Chinese</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Filipino</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Japanese</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Korean</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vietnamese</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Apache</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Cent/So American</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Cheyenne</td>
<td>No</td>
<td></td>
</tr>
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<td>Chickasaw</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Choctaw</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Navajo</td>
<td>No</td>
<td></td>
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<tr>
<td>Other Tribe-Specified</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Paiute</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Pueblo</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Seminole</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Shoshone</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sioux</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Tohono O'Dham</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Tribe not specified</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Ute</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Yaqui</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Yuman</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Demonstrates the voting system capability to handle the designated language groups</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Default language (English)</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Secondary language using a Western European font</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Ideographic language (such as Chinese or Korean),</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Non-written languages requiring audio support</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
May 21, 2015

To Whom It May Concern:

Allamakee County, Iowa owns the OpenElect Voting System, manufactured by Unisyn Voting Solutions, Inc, which is supported by Henry M. Adkins and Sons, Inc. We purchased the equipment in 2013 and have been very happy with the training and support we receive, as well as how the equipment functions and the features that it offers.

We first used the OpenElect Voting System in September 2013 and have used the equipment a total of 5 times with very successful results, including the November 2014 General Election. Most recently, we successfully used the newest software version, Version 1.3, for a Special election on May 5, 2015.

From public testing of our OpenElect Voting equipment to training of poll workers and on to the polling sites, we are very pleased with the equipment. Along with the equipment, Henry M. Adkins and Sons staff have proven to be very knowledgeable and experienced, able to answer any question that comes up.

Please feel free to contact me if you need anything further.

Regards,

[Signature]

Denise Beyer
Allamakee County Auditor and
Commissioner of Elections
May 20, 2015

Dear Election Official,

Winnebago County, Iowa located in Forest City, Iowa has used the OpenElect Voting System manufactured by Unisyn Voting Solutions, Inc; and installed and supported by Henry M. Adkins & Sons, Inc. Henry M. Adkins & Sons has provided training and election support services for our county for more than 10 years. Their support and ballot printing services has been consistently of the highest quality. Their staff is very experienced and knowledgeable of Iowa election laws and practices.

We purchased the new OpenElect Optical Scan Voting system and software through Adkins during 2012 and have utilized the system quite successfully over 10 elections since that time including the Primary and General Elections in 2014.

The system has performed flawlessly and eliminates many of the issues we continued to experience with our former optical scan system including a touch screen voting unit for the ADA voter. Election preparation and post-election auditing is much simpler and less time consuming.

The voters and election poll workers have taken to the new system quite seamlessly. We are extremely pleased we made the switch to the new system.

Please feel free to contact me at any time.

Sincerely,

[Signature]

Karla Weiss
Auditor and Commissioner of Elections
July 13, 2015

To: Tennessee State Election Commission  
c/o Mark Goins, Coordinator of Elections for State of Tennessee  
Office of Tennessee Secretary of State Tre Hargett  
Elections Division  
Wm R. Snodgrass – Tennessee Tower. 7th Floor  
312 Rosa L. Parks Ave  
Nashville, TN 37243  

Dear State Election Commissioners:

MicroVote General Corporation has been a trusted vendor in the State of Tennessee for over two decades and currently supports 45 Tennessee counties which utilize our Infinity Voting System. Historically, MicroVote has successfully introduced two unique voting systems and to each multiple upgrades and revisions. We view ourselves as a cooperative partner with both state and county-level election officials assuring successful and accurate elections. We respectfully ask that our positive history in Tennessee be considered with the following suggestions regarding changes to the existing criteria in the state’s voting system certification process, in particular the requirement to visit an out-of-state jurisdiction’s use of a voting system prior to in-state certification.

Without an elaborate “pass/fail” examination by highly qualified persons, the out-of-state observation renders itself to more of a tradition rather than a test of the voting system. Therefore we suggest that the bar be raised to a higher level that incorporates the most qualified experts, the federal testing laboratories. Near the final stages of laboratory certification examination is a test known as the “end-to-end regressive test”. In simplest terms, it is the point when the laboratory takes all the components of the voting system (documentation, manuals, software, firmware, and hardware) and assembles all components “independent” of the vendor and executes an election. Even though this test is completed prior to the completion of the final report and Certificate of Conformance, it could be repeated for the sake of State Election Commission (SEC) with the cost being absorbed by the vendor. (If this suggestion is adopted, the observation could take place prior to submission of the report, thus simplifying future Tennessee certifications). We respectfully suggest this approach because it removes vendor influence, allows the state’s examination board the opportunity to work directly with highly trained experts, and demonstrate Tennessee specific elections (of their choice) with the volume of votes and offices that would satisfy the commission. Since all federally certified laboratories are outside of Tennessee (MicroVote uses NTS in Huntsville, Alabama), this higher-level examination remains out-of-state.

6366 Guilford Avenue  
Indianapolis, IN 46220-1750  
317-257-4900  
Fax 317-254-3269
MicroVote believes that incorporating SEC observation of the higher-level “end-to-end regressive test” with Tennessee specific election data exceeds current certification requirements since multiple election types can be determined and examined by the SEC independent of the vendor. However, if a field test is still required in conjunction with the observation of a Tennessee specific “end-to-end regressive test”, MicroVote suggests an in-state observation of an actual Election Day performance would be more valuable to the SEC.

Again, we at MicroVote respectfully submit these suggestions and request that they be considered with a degree of urgency. We currently have an existing customer who lost their voting system due to a fire and have multiple other counties seeking an upgrade of their voting system to the latest VVSG standard prior to the 2016 Presidential Election cycle.

Sincerely,

Bill

William Whitehead
MicroVote Project Manager, State of Tennessee
July 7, 2015

Joseph H. Johnston
P.O. Box 120874
Acklen Station
Nashville, TN  37212

Dear Mr. Johnson,

This letter is to advise you the State Election Commission will review your administrative complaint at their meeting on July 13, 2015. I have attached the meeting notice and agenda for your review.

If you have any questions regarding the meeting location and time you may contact Kathy Summers at (615) 253-4585.

Please contact me should you have additional questions.

Sincerely,

Mark K. Goins
State Coordinator of Elections

Attachments:  State Election Commission Meeting Notice
              State Election Commission Agenda

MKG:krs
Before the Tennessee State Election Commission

Joseph H. Johnston, Write-In Candidate )
for Councilman at Large, Metropolitan )
Nashville, Davidson County )

No, __________

MEMORANDUM IN SUPPORT OF
PETITION FOR DECLARATORY ORDER

Your Petitioner is a registered voter in Davidson County, Tennessee, and has qualified as a write-in candidate under Tenn. Code Ann. §2-7-133(i) for the office of councilman at large in the August 6, 2015 general election. Your Petitioner is therefore an “affected person” within the scope of the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-223 as it relates to the statutory restrictions on the rights of voters to cast ballots for write-in candidates.

On May 18, 2015, your Petitioner filed this Petition for Declaratory Order with the Tennessee State Election Commission, with a copy served on the Davidson County Election Commission through the Metropolitan Legal Department.

I. The Issue

The issue is whether the State Election Commission and the Davidson County Election Commission have a statutory duty to educate the public on the general assembly’s mandate that limits the right to vote for a write-in candidate to those write-in candidates who have pre-registered with the county election commission no later than fifty (50) days before the election in question, and whether there is a statutory duty to inform the general voting public of the names of those write-in candidates who have complied with the requirements of Tenn. Code Ann. §2-7-133(i) to post their names at every polling place.
II. The Law

Tenn. Code Ann. §2-7-111(a) provides in part that the officer of elections shall have “voting instructions” . . . “placed in conspicuous positions inside the polling place for the use of voters.” In addition, Tenn. Code Ann. §2-12-201(a)(12) provides that election administrators have duties, which include:

“Having knowledge of all current laws pertaining to the election process and any changes mandated by the general assembly, and apprising the election commission, office staff, candidates, the press and the public I general of this information”

At present the general voting population of Davidson County is not aware that casting a vote for a write-in candidate who has not pre-registered with the County Election Commission fifty (50) days before the election is a nullity and is not included in the total number of votes cast for that particular office.

The restrictions on the right to cast write-in votes contained in Tenn. Code Ann. §2-7-133(i) apply state wide and therefore the Davidson County Election Commission has already determined that it has no authority to publish information regarding the existence of this restriction on the right to vote, much less on how it applies in Davidson County elections. [See Transcript, Sept 10, 2014].

Because of this lack of knowledge among the general voting public about the restrictions on their right to cast votes for the write-in candidates, they are denied the right to cast an informed vote and may unwittingly cast a vote that is a “nullity.”

Thus, the Tennessee State Election Commission has a statutory duty to inform the general public about the restrictions on their right to cast votes for write-in candidates. Failure to educate the public about these changes mandated by the general assembly constitutes a breach of this statutory duty and amounts to a constructive fraud on those
voters who unwittingly cast votes for unqualified write-in candidates. Furthermore, this statutory duty includes a duty to inform the voting public of the names of those qualified write-in candidates who have pre-registered with the county election commission and the office which they are seeking so that the voters can make an informed decision if they choose to cast a write-in vote.

III. Remedy Sought

Petitioner requests this Commission to issue a declaratory order under Tenn. Code Ann. §4-5-223 to rule on the applicability of Tenn. Code Ann. 2-7-133(i) to elections state wide in general and in Davidson County in particular; that this Declaratory Order be posted in every polling place across Tennessee, including Davidson County; that the names of qualified write-in candidates for election office be posted and placed in conspicuous places inside polling places for use of voters as required by Tenn. Code Ann. §2-7-111(a) and §2-12-201(a)(12).

If the Commission accepts the Petition, it must convene a contested case hearing pursuant to Tenn. Code Ann. §4-5-223(a)(1) and issue a declaratory order subject to review in the Chancery Court of Davidson County in the manner provided for review of contested cases. Notice shall be given to the Davidson County Election Commission pursuant to Tenn. Code Ann §4-5-224, supra.

IV. Procedures

Tenn. Code Ann. §4-5-223 provides as follows:

(a) Any affected person may petition an agency for a declaratory order as to validity or applicability of a statute, rule or order within the primary jurisdiction of the agency. The agency shall:

(1) Convene a contested case hearing pursuant to this chapter and issue a declaratory order, which shall be subject to review in the chancery court of Davidson County, unless otherwise specifically provided by
statute, in the manner provided for the review of decisions in contested cases; or

(2) Refuse to issue a declaratory order, in which event the person petitioning the agency for a declaratory order may apply for a declaratory judgment as provided in §4-5-225.

(b) A declaratory order shall be binding between the agency and parties on the state of facts alleged in the petition unless it is altered or set aside by the agency or a court in a proper proceeding.

(c) If an agency has not set a petition for a declaratory order for a contested case hearing within sixty (60) days after receipt of the petition, the agency shall be deemed to have denied the petition and to have refused to issue a declaratory order.

(d) Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition.

Tenn. Code Ann. §4-5-224 provides in pertinent part:

(a) Whenever an agency is petitioned for a declaratory order, that agency shall:

(1) Submit electronically to the secretary of state the notice of hearing for publication in the notice section of the administrative register web site and, if a statute applicable to the specific agency or a specific rule or class of rules under consideration requires some other form of publication, publish notice as required by that statute in addition to publication in the notice section of the administrative web site; and

(2) Take such other steps as it deems necessary to convey effective notice to other agencies and professional associations that are likely to have an interest in the declaratory order proceedings.

(b) Such notices shall include specific information relating to the declaratory order request, including, but not limited to:

(1) Name of petitioner and an explanation of whom such person or entity purports to represent;

(2) A summary of the relief requested, including the specific nature of the requested order, and the conclusion or conclusions the petitioner requests that the agency reach following the declaratory proceeding; and

(3) A detailed outline and summary of the statutes or regulations that the agency is called upon to interpret or upon which it is to rule.

(c) Notwithstanding §4-5-223(a)-(c), except in the case of an emergency proceeding that meets the conditions of §4-5-208, no declaratory order proceeding that calls for a title 63 agency to rule on the meaning of any provision of a licensee’s professional licensing act may be set until at least forty-five (45) days after the notice required by this section has been filed with the secretary of state.
CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served upon the following on this [ ] day of July, 2015 via hand delivery:

Nicki Eke, Esq.
Metro Legal Department
Metropolitan Courthouse
Nashville, Tennessee 37201

Jim DeLanis, Esq.
Tricia Hearzfeld, Esq.
Jennifer Lawson, Esq.
A.J. Stalling, Esq.
Kent Wall, Administrator
Davidson County Election Commission
800 2nd Avenue South
Nashville, Tennessee 37210

Mr. Ronald Buchanan
Chairman, Davidson County
Election Commission
800 2nd Avenue South
Nashville, Tennessee 37210

[Signature]

Joseph H. Johnston
2-7-132. Completion of duplicate tally sheets — Certification — Final proclamation of vote.

Cited:  

2-7-133. Ballots which may be counted.

(a) Only ballots provided in accordance with this title may be counted. The judges shall write "Void" on others and sign them
(b) If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled or on a question, the voter's ballot shall not be counted for such office and shall be marked "Uncounted" beside the office and be signed by the judges. It shall be counted so far as it is properly marked or so far as it is possible to determine the voter's choice.
(c) If two (2) ballots are rolled up together or are folded together, they shall not be counted. The judges shall write on them "Void" and the reason and sign them.
(d) Any ballot marked by the voter for identification shall not be counted. The judges shall write on it "Void" and the reason and sign it.
(e) Ballots which are not counted shall be kept together and shall be bundled separately from the ballots which are counted.
(f) Notwithstanding any other provision of law to the contrary, a vote shall be counted if a recount is undertaken on a punchcard ballot under the following conditions:
   (1) When at least two (2) corners of the chad are detached;
   (2) Light is visible through the hole; or
   (3) An indentation of the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote.
   (g) Notwithstanding any other provision of law to the contrary, if a voter marks a paper or optical scan ballot with a cross, "x", checkmark or any other appropriate mark within the square, circle or oval to the right of the candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite. Underlining or circling the candidate's name would also constitute a vote. Any apparent erasure of a mark next to the name of a candidate may not be counted as a vote for that candidate if the voter makes another mark next to the name of one (1) or more different candidates for the same office and counting of the mark would result in an excess number of votes cast for the office.
   (h) If a voter casts more than one (1) vote for the same candidate for the same office, the first vote is valid and the remaining votes are invalid.

(i) Any person attempting to be elected by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no later than twelve o'clock (12:00) noon, prevailing time, fifty (50) days before the general election. Such person shall only have votes counted in counties where such notice was completed and timely filed. The notice shall be on a form prescribed by the coordinator of elections and shall not require signatures of
any person other than the write-in candidate requesting ballots be counted. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (i), the county election commission shall promptly inform the state coordinator of elections, the registry of election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

**Effective Dates.**

**Attorney General Opinions.**
Notice requirement for write-in candidates is constitutionally defensible, OAG 04-023 (9/12/04).

**Cited:**

**Collateral References.**
Challenges to Write-in Ballots and Certification of Write-in Candidates, 75 A.L.R.6th 311.

### 2-7-137. Items to be locked in ballot box after certification of the completed tally sheets.

Section to Section References.
This section is referred to in § 2-7-139.

### 2-7-140. Procedures for certain inactive voters.

Section to Section References.
This section is referred to in §§ 2-2-106, 2-2-109, 2-2-129, 2-2-130, 2-4-109, 2-6-202, 2-7-112, 2-7-115.

### 2-7-141. Procedures for certain active voters.

Section to Section References.
This section is referred to in § 2-7-112.

### 2-7-142. [Repealed.]

Compiler’s Notes.
Former § 2-7-142 (Acts 2001, ch. 465, § 5), concerning notices for polling places utilizing a punchcard system of voting, was repealed by Acts 2009, ch. 218, § 7, effective July 1, 2009.

## CHAPTER 8

### DETERMINATION OF RESULTS

Section
2-8-101. Meeting of county election commission following election.
2-8-104. Comparing votes from tally tapes to tabulated election results.
plaint, the contestant failed to demonstrate that a purge of those ballots would have changed the result of the election or rendered its outcome uncertain. Therefore, the court had no choice but to conclude that the chancellor correctly dismissed the complaint for failure to state a claim. Forbes v. Bell, 816 S.W.2d 716 (Tenn. 1991).

The allegations of the complaint were insufficient to show, district-wide, that the election was so permeated by fraud or illegality as to render the results incurably uncertain or to thwart the will of the electorate. Forbes v. Bell, 816 S.W.2d 716 (Tenn. 1991).

2-7-110. Examination and final preparation of machines. — (a) The officer shall give the sealed voting machine keys to the judges to prepare the machines for voting. The envelope containing the keys may not be opened until the judges have examined it to see that it has not been opened and that the number registered on the protective counter and the number on the seal with which the machine is sealed correspond with the numbers written in the envelope containing the keys.

(b) If the envelope has been torn open, or if the numbers do not correspond, or if any other discrepancy is found, the judge shall immediately inform the voting machine technician of the facts. The voting machine technician or the technician's assistant shall promptly examine the machine and certify whether it is properly arranged.

(c) If the number on the seal and the protective counter are found to agree with the numbers on the envelope, the judges shall then open the door concealing the counters and carefully examine every counter to see that it registers zero (000) and shall also allow the watchers to examine them. The judges shall then sign a certificate showing the delivery of the keys in a sealed envelope, the number on the seal, the number registered on the protective counter, that all the counters are set at zero (000), and that the ballot labels are properly placed in the machine.

(d) If any counter is found not to register at zero (000) and if it is impracticable for the voting machine technician to arrive in time to adjust the counters before the time set for opening the polls, the judges shall immediately make a written statement of the designating letter and number, if any, of such counter, together with the number registered thereon, and shall sign and post the statement on the wall of the polling place where it shall remain throughout the election day. In filling out the tally sheets, they shall subtract such number from the number then registered on such counter. [Acts 1972, ch. 740, § 1; T.C.A., § 2-710.]

2-7-111. Posting of sample ballots and instructions — Arrangement of polling place — Restrictions. — (a) The officer of elections shall have the sample ballots, voting instructions, and other materials which are to be posted, placed in conspicuous positions inside the polling place for the use of voters. The officer shall measure off one hundred feet (100') from the entrances to the
building in which the election is to be held and place boundary signs at that distance.

(b)(1) Within the appropriate boundary as established in subsection (a), and the building in which the polling place is located, the display of campaign posters, signs or other campaign materials, distribution of campaign materials, and solicitation of votes for or against any person, political party, or position on a question are prohibited. No campaign posters, signs or other campaign literature may be displayed on or in any building in which a polling place is located.

(2) Except in a county with a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census, a solicitation or collection for any cause is prohibited. This does not include the normal activities that may occur at such polling place such as a church, school, grocery, etc.

(3) Nothing in this section shall be construed to prohibit any person from wearing a button, cap, hat, pin, shirt, or other article of clothing outside the established boundary but on the property where the polling place is located.

(c) The officer of elections shall have each official wear a badge with that officer's name and official title.

(d) With the exception of counties having a metropolitan form of government, any county having a population over six hundred thousand (600,000) according to the 1970 federal census or any subsequent federal census, and counties having a population of between two hundred fifty thousand (250,000) and two hundred sixty thousand (260,000) by the 1970 census, any county may, by private act, extend the one hundred foot (100') boundary provided in this section. [Acts 1972, ch. 740, § 1; T.C.A., § 2-711; Acts 1980, ch. 543, §§ 1, 2; 1987, ch. 362, §§ 1, 2, 4; 1993, ch. 465, §§ 1, 2; 1993, ch. 518, §§ 11, 21; 1994, ch. 582, § 1; 2003, ch. 307, § 6.]

Compiler's Notes. This section was held unconstitutional in Freeman v. Burson, 802 S.W.2d 219 (Tenn. 1990). See heading “Constitutionality” under Notes to Decisions. However, the decision by the Tennessee supreme court was reversed on appeal by the United States supreme court on May 26, 1992. See Burson v. Freeman, 504 U.S. 191, 112 S. Ct. 1846, 119 L. Ed. 2d 5 (1992).

For tables of U.S. decennial populations of Tennessee counties, see Volume 13 and its supplement.

Amendments. The 2003 amendment deleted the former last sentence in (a), which provided for counties with certain populations where the officer of elections was required to measure off three hundred feet (300’) from the entrances to the building in which the election was to be held and to place boundary signs at that distance.


July 1, 2003.

Cross-References. Violation of this section a misdemeanor, § 2-19-119.

Section to Section References. This section is referred to in §§ 2-3-103, 2-19-119.

Attorney General Opinions. Extension of boundary at polling place prohibited, OAG 97-128 (9/22/97).

The 100 foot “campaign-free” zone on election day does not extend to private property adjacent to and within 100 feet of the entrance to the polling place, OAG 02-118 (10/24/02).

NOTES TO DECISIONS

1. Constitutionality.
The exercise of free speech rights conflicts with another fundamental right, the right to cast a ballot in an election free from the taint of intimidation and fraud. Some restricted zone around polling places is necessary to protect that fundamental right. Given the conflict between these two rights, requiring solicitors to
NOTES TO DECISIONS

I. Authority.
Trial court erred in granting the city motion for summary judgment and in denying the county election commission's motion for summary judgment in the commission's action seeking a declaration of its rights under election statutes, T.C.A. § 2-3-101 et seq. and § 2-6-101 et seq., because the commission had the sole responsibility to designate polling locations, and it was the duty of public building authorities to make public buildings available for voting. Williamson County Election Comm'n v. Webb, --- S.W.3d ---, 2013 Tenn. App. LEXIS 299 (Tenn. Ct. App. Mar. 22, 2013).

2-12-117. Development of Internet based electronic filing process.
(a) Each county election commission is authorized to develop, with the advice, assistance and approval of the registry of election finance, an Internet based electronic filing process for use by candidates for local public office and all political campaign committees for a local election in such county or in the municipalities located in such county that are required to file statements and reports with such county election commission.
(b) Such system shall provide each candidate and political campaign committee with secure access to the electronic filing system and provide safeguards against efforts to tamper or change the data in any way.
(c) Once the electronic filing system is completed and tested, the county election commission shall provide public notice that the system is operational and available for filers to commence use.
(d) If a county election commission decides to develop such an Internet based electronic filing process, any and all costs for such development and Internet posting shall be an expenditure of such county election commission.

History. 

Effective Dates.

PART 2
REGISTRARS

2-12-201. Employment of election administrators and clerical assistants.
(a) The commission shall appoint an administrator of elections who shall be the chief administrative officer of the commission and who shall be responsible for the daily operations of the office and the execution of all elections. The duties of the administrator of elections may, upon the administrator's discretion, be performed by a designee. Such duties include, but are not limited to, the following:
(1) Employment of all office personnel; after July 1, 2011, administrators of elections may not appoint or hire, except in the event of and during an emergency, members of the county election commission, or spouses, parents, brothers, sisters or children, including in-laws of commission members or spouses, parents, brothers, sisters or children, including in-laws of the administrator of elections as deputies, clerical assistants, absentee voting deputies, machine technicians, poll officials or as members of the absentee counting board;
(2) Preparation of the annual operating budget and presentation of such budget to the election commission for approval;

(3) Upon approval by the county election commission, presentation of the annual budget to the county commission or other legislative body for funding;

(4) Requisition and purchase of any supplies necessary for the operation of the election commission office and the conduct of all elections;

(5) Maintenance of voter registration files, campaign disclosure records, and any other records required by this title;

(6) Conducting of instruction class for poll workers or designation of another qualified person to conduct such class;

(7) Preparation of all notices for publication required by this title;

(8) Preparation and maintenance of all fiscal records necessary for the daily operation of the election commission office and all elections. This may include any requests for funding or changes in funding, if necessary, after adoption of the current fiscal budget;

(9) Compilation, maintenance and dissemination of information to the public, the candidates, the voters, the press and all inquiring parties in regard to all aspects of the electoral process on all governmental levels;

(10) Promotion of the electoral process through supplemental registrations, public functions, press releases and media advertising whenever possible;

(11) Attendance at any required seminar and other educational seminars, as funding permits, to gain knowledge beneficial to the administration of the election commission office or to the electoral process;

(12) Having knowledge of all current laws pertaining to the election process and any changes mandated by the general assembly, and apprising the election commission, office staff, candidates, the press and the public in general of this information;

(13) Assistance in the planning and implementation of any plan of apportionment or reapportionment of any governmental entity involved in the electoral process;

(14) The county election commissioners may not employ themselves or any of their spouses, parents, siblings, in-laws or children as administrator;

(15) Preparation of a plan for placing precinct voting locations and presentation of such plan to the election commission for approval;

(16) Preparation of a plan for early voting sites and presentation of such plan to the election commission for approval; and

(17) Upon request, assist the:

(A) City councils, as appropriate, for cities located in the county;

(B) County legislative body;

(C) Local board of education; and

(D) Members of the general assembly representing the county, concerning redistricting in 2012, and thereafter every two-year period following each decennial census taken by the United States census bureau.

(b) [Deleted by 2013 amendment, effective April 25, 2013.]
BEFORE THE TENNESSEE STATE ELECTION COMMISSION

Joseph H. Johnston, Write-In Candidate for Councilman at Large, Metropolitan Nashville, Davidson County

) ) ) No.

NOTICE OF FILING
CONDENSED TRANSCRIPT
AS PART OF ADMINISTRATIVE RECORD

To All Counsel of Record:

Please take Notice that Petitioner Joseph H. Johnston is hereby filing a copy of a condensed transcript of an excerpt of the Davidson County Election Commission Meeting, September 10, 2014, wherein the Davidson County Election Commission considered the questions raised as to the duty to educate the public about Tenn. Code Ann. §2-7-133 and the statutory limitations imposed on the right to cast write-in votes. [Transcript attached as Exhibit A hereto].

The Davidson County Election Commission stated that it had no authority to interpret a statute that had State wide application and that these questions should be decided at the State level. [Trans. pp. 22-26].

Petitioner requests that the transcript be made part of the Administrative Record in support of his Petition for Declaratory Order whether or not Petitioner is granted an Administrative Hearing as provided by Tenn. Code Ann. §4-5-223 and §4-5-224. [See copies attached as collective Exhibit B].
Excerpt of Davidson County Election Commission Meeting
September 10, 2014

DEBRA R. CARNEY, RPR, LCR, CCR
Accurate Court Reporting
The Fletcher Building
144 Second Avenue North, Suite 230
Nashville, TN 37201
(615) 244-DEPO or 244-3376

1. APPEARANCES
2. Davidson County Election Commission:
   Ronald B. Buchanan, Chairman
   Kent Wall, Administrator
   Nicki Eke, Metropolitan Counsel
   Jim Delapins, Commissioner
   Tricia Herzfeld, Commissioner
   Jennifer Lawson, Commissioner
   A. J. Starling, Commissioner

8. Also Present:
   Joseph Johnston, Esquire
   2400 Crestmoor Road
   Nashville, TN 37215
   and
   David Cheatham, Esquire
   Cheatham, Palermo & Garrett Law
   109 Jennings Street
   Franklin, TN 37064

1. What we have here is an administrative complaint addressed to this Commission because you have jurisdiction over Davidson County. It was my experience in the August 7th election that there were a number of vacancies of positions that were open that only had one candidate, and there was an opportunity for a write-in, and there must have been at least a dozen or more.

6. The problem that I had experienced before was that I knew that if I voted for, not the candidate, but wrote in somebody, unless that person had preregistered with the Election Commission 50 days before the election, my vote would not be counted. So I asked the officer for the poll if there was a list of qualified candidates who had, in fact, complied with the statute. And she said, "Well, I have seen the list, but I don't have a copy of it." Well, I was in a position where I could not make an informed vote with respect to anybody that might be qualified to run against those candidates that were running in the polls.

20. One example of how this can cause problems, Judge Casey Moreland got into some difficulty, which is not uncommon for judges from time to time, but it became very controversial, and his problem developed less than 50 days before the election. And so even though a number of people were upset with him running for...
Respectfully submitted,

Joseph H. Johnston, Esq., #4706
P.O. Box 120874
Acklen Station
Nashville, Tennessee 37212
(615) 947-6363

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served upon the following on this 9th day of June, 2015 by first-class postage prepaid U.S. Mail:

Davidson County Election Commission
c/o Metropolitan Legal Department
P.O. Box 196300
Nashville, Tennessee 37219

Joseph H. Johnston
1 re-election, he was unopposed and nobody could run against him because they hadn't qualified under this 30-day rule.
2
3 So what I have asked the Commission to consider doing is to direct the administrator here to do two
4 things. One is to post instructions for -- at every
5 polling place explaining the significance of the statute
6 that regulates the write-in votes, write-in candidates.
7 And, secondly, to have a list of those candidates that
8 have qualified for various offices that are not on the
9 ballot, but at least they would have that information
10 available to them through the poll workers so that when
11 they were -- when they asked about how to do a write-in,
12 the poll workers could explain to them, "Well, you can
13 write in, but these are the only people that are
14 qualified for that."
15
16 To -- to continue to have elections without
17 that additional explanation, I would contend is really
18 deceptive and works what we call constructive fraud on --
19 on the electorate. It may not make a difference in the
20 outcome of the election generally, but, occasionally, you
21 are going to have votes that are so close that people
22 voting for a write-in, not knowing that their votes won't
23 be counted at all, reduces the total number of votes that
24 will be counted. And in a very close election, that
25 could make a difference.
26 So I appreciate your -- your listening to this
27 complaint. And the easiest thing to do would be just to
28 direct the administrator of elections to just follow the
29 statute and provide the instructions and list for the
30 next election. I would like to defer to Mr. Cheatham for
31 a few minutes, and he can explain his concerns.
32
33 MR. CHEATHAM: I just want to say this, that
34 this is something I became aware of, I think, Monday
35 because I just got back from vacation. I met with Joe.
36 He told me about it. It was a light to me because I
37 didn't understand -- I didn't know we had this write-in
38 law that had been written, I understand, by the
39 legislature in 2003 that says that if you -- it changes
40 the law. I mean, I am 72 years old, and I always
41 understood that the purpose of that write-in was where
42 somebody had not qualified to run for whatever reason,
43 you could vote for them by casting a write-in ballot.
44 But this statute that the legislature passed in
45 2003 changes all this in that now no write-in vote is
46 counted unless you have registered 50 days before the
47 election as a write-in candidate. And so if you vote for
48 somebody as a write-in -- in 2012, the 2012 primary, I
49 went, I looked through the ballot and when I got down to
50 the bottom, I got to the democratic executive committee.
51 1 I had served on the democratic executive committee, been
52 elected to it, 1974, 1980, 1984 and -- and up to
53 1992. In '92 I said -- I think a friend of mine wanted
54 to run, a younger attorney said he wanted to run. I
55 said, "Well, I won't run. I will let you run for it."
56 And I dropped out, and I have been dropped out since.
57 But when I saw -- in 2012 I saw the ballot. It
58 indicated nobody had qualified for committeeman or
59 committeewoman from the 25th district. So I wrote -- I
60 saw that I could type in a name, write in a vote. So I
61 typed my name in. I type my wife's name in as
62 committeewoman since I thought there was no candidate for
63 that, and I never heard anything more. And I thought,
64 well, maybe I didn't get enough votes. Maybe somebody
65 else got written in more. I hadn't thought a thing about
66 it after that.
67 So in 2014 I see the same thing had happened.
68 I went to the polling place, looked at the ballot, and it
69 indicated nobody had qualified for the committeeman or
70 committeewoman for the democratic executive committee.
71 So I type it again. I had told my wife about this in
72 2012. So she marked her ballot too the same way, and the
73 machines, computerized machines we have make it easy to
74 write a name in, type it in. But nobody told me that
75 that vote wouldn't count. I never heard anything more.
76
77 1 I don't know whether anybody qualified for that.
78 But it was strange to me because the way this
79 law works, if you -- if you qualify -- say there is an
80 office nobody is qualified for like these committee
81 positions. You can go to the register's office, register
82 as a qualified write-in vote, and you can vote for
83 yourself and get elected and nobody can defeat you
84 because if you are the only qualified write-in person,
85 that one vote counts. Any write-in votes for anybody
86 else don't even count. So somebody could get 10,000
87 votes, write-in votes, and none of them would count. And
88 that one person who registered would get his one vote and
89 win. So it's a sham election the way this thing works.
90 And then in addition to that, as I understand
91 it, the Commission takes the position that they don't
92 have any duty to inform the voters as to who's
93 qualified. Well, that makes it even worse because if you
94 don't even know who is qualified, if you go to the polls
95 and somebody has qualified as a write-in candidate so
96 that you know you can vote for that person and it will be
97 counted, then -- then you ought to be able to do that if
98 you want to do it. But you can't if they are not
99 informed -- if you are not informed, and you won't be
100 informed.
101 In other words, you have got two classes of
1 qualified voters here. One is the ones that are getting
2 the petition, 50 signatures or 25 signatures, turn it in,
3 get qualified, get on the ballot. Then there is this
4 other stealth candidate who's on the ballot who's really
5 qualified because he's registered, but he is not on the
6 ballot, and the voters don't even know he exists. They
7 don't even know they can vote for him.
8 So I think the Commission, of course, doesn't
9 have any authority as far as this law is concerned. I
10 mean, to me, it ought to be declared unconstitutional
11 because it makes for sham elections. And, again, it goes
12 against what we've always understood to be a write-in
13 candidate.
14 In other words, what is a write-in? A write-in
15 is somebody who you write in who didn't qualify as a
16 voter -- I mean, as a candidate for whatever reason
17 previously. And -- and so, you know, now there is only
18 one qualified write -- there is only -- if you register,
19 then you are a qualified write-in voter [sic], but nobody
20 else is. So you have got a different class. Again,
21 you've got a qualified voter -- I mean, qualified
22 candidate who qualified by registering, and the voters
23 don't even know he exists. They don't even know that
24 they can vote for him.
25 So -- so at the very least, the Commission

1 you can't now unless they -- somebody has registered as a
2 write-in candidate. And so this is something I think the
3 Commission should address. I prepared an administrative
4 complaint, but I didn't get it ready in time to file.
5 I'll be happy to file it.
6 MR. CHAIRMAN: That's fine. I don't think it
7 needs to go to that level just as long as you give us a
8 written, you know, complaint is what it is. I don't
9 think it has any more significance if it's a letter or in
10 the form of a legal pleading, but we -- let me just
11 respond first, and then I'll open it up to the other
12 commissioners. We are required to follow state law,
13 whether we agree with it or not. So in terms of
14 qualifying for write-in candidates and that type thing,
15 our hands are bound on that. We have got to comply with
16 state law.
17 Now, that may be something that you all want to
18 challenge the state law to have it declared
19 unconstitutional. And if you all want to do that, you
20 know, I am not going to encourage you, but I'm not going
21 to discourage you either. That's your right. But we, as
22 the Commission here in Davidson County, what are your
23 suggestions that we can do other than disregard state
24 law?
25 MR. CHEATHAM: Well, our suggestion is that you

1 ought to educate the voters on that -- that there is --
2 you know, that only a person who is registered can -- can
3 cast a -- you can only cast a vote for somebody who is
4 registered as a write-in voter, and all others will not
5 be counted because you have got, like I say, machines
6 that make it easy to write somebody's name. You just
7 type the name in, the way the machine -- the way the
8 ballot is in the machine.
9 But as I say, you are not told that's not going
10 to count, and you are not told that you could make a vote
11 for somebody that would count. So I think that the
12 public should be informed and the voters should be
13 informed. Otherwise, we are going to have sham
14 elections. We may already have had some, as far as I
15 know, for this office. I mean, somebody could have
16 qualified. I don't know whether they did or not. If
17 they qualified for committeeman by registering, as I say,
18 they could get elected just by voting for themselves
19 because, again, nobody else could be voted for.
20 Now, Mr. Johnston has also pointed out the
21 other thing is that in a case where a voter -- where a
22 candidate is unopposed, if you don't like that candidate,
23 you want to vote against that candidate, in the past, you
24 could vote, cast a write-in vote against him and just
25 register your disapproval if you disapprove of him. But

1 make a duty -- make an effort to inform the voters by
2 having available the list of, say, qualified write-in
3 candidates at the polls and possibly tell them that under
4 state law, they cannot vote -- they cannot write -- their
5 write-in votes will not count unless the person is
6 registered.
7 MR. CHAIRMAN: I had a fairly long conversation
8 this afternoon with Mark Gofs, the state election
9 coordinator, about that, and they are very sensitive
10 about any of our poll workers saying anything to the
11 voters that might indicate a preference to vote for a
12 write-in candidate or democratic or republican or
13 independent or libertarian or anybody else. So we have
14 basically instructed poll workers, "You can't talk to the
15 voters in terms of who the candidates are or what -- you
16 know, anything like that. That's the voters' obligation
17 to educate himself before he goes to the polls.
18 So we are handicapped in that regard also as
19 trying to say anything inside. If you go outside the
20 100-yard boundary on the campaign and everything, it's a
21 different situation. But inside that room is a
22 sanctuary.
23 MR. CHEATHAM: I know this, Mr. Johnston has
24 said that he interpreted the statute to say that you do
25 have an obligation to inform on this matter.
1 Mr. Johnston: Well, it might be helpful if the 2 Commission were to publish educational materials about 3 write-in votes and write-in candidates and have that 4 available at the Commission offices and before the 5 election, certainly 90 days before the election, so that 6 the persons who might be considering making themselves a 7 write-in candidate would know what the law is. That 8 wouldn't have -- I don't think violate your rules about 9 polling inside the polling place. But also, the large 10 majority of the public doesn't realize this statute even 11 exists, so they are just typing in a name and it's a 12 nullity. To let it go on without question, I think is -- 13 is not following the statute, and I would encourage you 14 to take a second look.

15 Mr. Chairman: All right. I'm going to open it 16 up to the commissioners. Commissioner Tricia.

17 Commissioner Herzfeld: Tricia? Tricia, why 18 don't you ask your question.

19 I just have a question about this 20 administrative complaint versus a previous lawsuit that 21 was filed against this Commission for the same 22 generalized ideas. And it looks like in that previous 23 opinion from the Court of Appeals -- that appears to have 24 not been appealed to the Tennessee Supreme Court -- is 25 that the Court of Appeals already dealt with this issue 26 square on. So I guess I am either reading your 27 administrative complaint wrong or is there a difference 28 between that opinion and what it is you are asking for 29 now?

30 Mr. Johnston: Yes.

31 Commissioner Herzfeld: What is it?

32 Mr. Johnston: The -- first of all, the lawsuit 33 that challenged the constitutionality of the statute is 34 pending before the Tennessee Supreme Court under Rule 11 35 application --

36 Commissioner Herzfeld: So the decision hasn't 37 been granted yet?

38 Mr. Johnston: It has not been granted. Now, 39 with respect to the decision of the Court of Appeals, 40 they addressed two issues. One was, was the statute 41 unconstitutional on its face. And they said, no, it's 42 not unconstitutional on its face. Then they said -- then 43 the second question was, was it unconstitutional as 44 applied. And they said, no, it's not unconstitutional as 45 applied. What I have raised in this petition is not a 46 constitutional question. It's a question of constructive 47 fraud, which is a state claim independent of any 48 constitutional issue. 49 Now, for a constructive fraud to occur -- and 50 this does not require intent -- it can -- it just has a 51 fraudulent result, which is what I would contend you have 52 here. You have to have a representation that is wrong or 53 an omission that is wrong that is justifiably relied upon 54 by the plaintiff to his detriment. And what we have here 55 is -- and there has to be a duty. There has to be a duty 56 that was breached which resulted in this -- in this harm.

57 Commissioner Herzfeld: I'm sorry to interrupt.

58 Mr. Johnston: Yes.

59 Commissioner Herzfeld: Just to short-circuit 60 that a little bit.

61 Mr. Johnston: Okay.

62 Commissioner Herzfeld: So I guess my question 63 is that the Court of Appeals specifically found that they 64 reject the notion that the Davidson County Election 65 Commission has that duty. So if that's the underlying 66 basis for your claim of fraud, are you asking us to make 67 a decision that is opposite that of what the Court of 68 Appeals has already found?

69 Mr. Johnston: The Court of Appeals said that 70 they have searched the entire Code and could not find any 71 language creating a duty to educate the public. What I 72 have done in the attachment to the petition is to 73 highlight those sections of the Code that were 74 obviously overlooked by the Court of Appeals. So in 75 light of the fact that the black letter law says you do 76 this, you do have a duty, I think you don't have to pay 77 that much attention to the Court of Appeals because they 78 were dealing with constitutional issues. This is a 79 constructive fraud issue.

80 Commissioner Herzfeld: So your position is 81 they missed something, and you found other duties that 82 they just didn't find?

83 Mr. Johnston: Yes. And if you look at the law 84 that is cited in the administrative complaint -- and 85 copies of which are attached as Collective Exhibit C to 86 the complaint -- you will find underlined there the duty 87 to educate the public, inform the public about election 88 laws. I don't know how much clearer you can be than 89 that.

90 Mr. Chairman: All right. Excuse me. Are 91 you --

92 Commissioner Herzfeld: I'm finished.

93 Commissioner Lawson: The one sentence that 94 jumped out at me in the opinion was, "we reject the 95 notion that the Election Commission has a duty to post 96 the notice that Mr. Johnston suggests." So the Court of 97 Appeals has said that the Election Commission does not 98 have a duty to post the notice that you would like to
1 they're for it or do you want us to post it somewhere?
2 MR. JOHNSTON: I think it should be posted, and
3 if somebody has a question, then the -- not all the poll
4 workers, obviously, but the election officials in charge
5 of that particular polling place shall be educated
6 enough to explain what it's all about.
7 MR. CHEATHAM: I would like to throw in the
8 fact that -- I mean, I don't necessarily agree with the
9 Court of Appeals opinion, but if the Court of Appeals
10 opinion says you don't have a duty to do something,
11 doesn't mean you can't do it.
12 COMMISSIONER DELANIS: I understand.
13 MR. CHAIRMAN: We understand that.
14 COMMISSIONER DELANIS: I think you said that
15 the basis of this complaint is constructive fraud.
16 MR. JOHNSTON: Yes.
17 COMMISSIONER DELANIS: Fraud on the electorate?
18 MR. JOHNSTON: Yes. On me in this instance and
19 on Mr. Cheatham in his instance.
20 COMMISSIONER DELANIS: That's, as I understand
21 it, kind of a tort concept.
22 MR. JOHNSTON: It is.
23 COMMISSIONER DELANIS: And I have read a lot of
24 legislative history, and I know statutes get passed that
25 are not just constructively fraudulent in terms of what

1 I am registered on the ballot. And they don't make an
2 effort to -- to educate the public as to their candidacy.
3 They are still on the ballot, and they can still receive
4 votes that are counted.
5 MR. CHAIRMAN: Go ahead. Are you through?
6 COMMISSIONER LAWSON: Yes.
7 COMMISSIONER DELANIS: How are you? You have
8 suggested to us that the remedy here should be that the
9 poll workers would have a list of qualified write-in
10 candidates?
11 MR. JOHNSTON: Yes.
12 COMMISSIONER DELANIS: It may not be everything
13 you are saying, but it's -- but it's one --
14 MR. JOHNSTON: Posted somewhere inside. If
15 they ask for it, it's there.
16 COMMISSIONER DELANIS: How is that different
17 than having a ballot? It's a list of candidates. Isn't
18 that very similar to the ballot that the write-in
19 candidates haven't gotten on?
20 MR. JOHNSTON: No, because it is -- it will be
21 a separate list. You don't -- you don't vote, cast a
22 vote on that list. You still have to take whatever
23 information that is on the list and then type it in.
24 COMMISSIONER DELANIS: Is it your position that
25 this list should only be available when somebody asks
MR. JOHNSTON: We did.
COMMISSIONER DELANIS: And didn't you have an
opportunity to cite them to the Supreme Court in your
application for --
MR. JOHNSTON: We have.
COMMISSIONER DELANIS: So you have -- you have
cited the same statutes to them?
MR. JOHNSTON: Yes.
COMMISSIONER DELANIS: And didn't you, in your
complaint in this previous case, raise the issue of
constructive fraud?
MR. JOHNSTON: Yes, but it was not ruled on by
the Court.
COMMISSIONER DELANIS: Okay. Is it still part
of your case then to the Tennessee Supreme Court?
MR. JOHNSTON: I don't believe so. I think the
case before the Supreme Court now deals strictly with the
two articles in the state constitution we believe do not
permit this statute to --
COMMISSIONER DELANIS: Did you abandon that
argument before the Supreme Court?
MR. JOHNSTON: No. I don't know that we have
abandoned that argument before the Supreme Court. The
unconstitutional as applied makes the same claim except
in constitutional terms as opposed to tort terms.
COMMISSIONER DELANIS: Okay. But it was part
of your case to the Court of appeals, and it's not part
of your case to the Supreme Court?
MR. JOHNSTON: With respect to the Supreme
Court, we wanted to narrow it to the one constitutional
issue that we thought would get their attention.
COMMISSIONER DELANIS: Thanks.
MR. CHAIRMAN: Any other...
COMMISSIONER STARLING: Well, being --
Mr. Johnston, how are you doing? Being a nonlawyer, this
14 is like my second tryout. If we were to -- to grant your
complaint, how does that affect other County election
Commissions? Will we be doing something, providing
information that the other 94 counties would not be
18 doing?
MR. JOHNSTON: Well, that's a good question. I
19 don't know what the policy at the state level is except
20 what the Chairman offered just a few minutes ago. It may
22 be, for it to have statewide application, it would have
23 to come from the state office.
COMMISSIONER STARLING: Yeah. The reason why I
am asking that is because we get -- like Mr. Buchanan
1 said, we get directed from the State on how we implement
any policy. It has to be approved, and if we were to
grant it, we would definitely have to get approval from
the State to do this. So I am just trying to see if --
5 if this complaint really should have went to the State
where it would have statewide implications.
MR. JOHNSTON: That's an interesting question.
You can argue round or flat. To pursue claims like this,
you have to exhaust your administrative remedies. Where
does the administrative remedy reside with respect to my
personal injury, which is this Commission. So out of
abundance of caution, I started at the bottom. And --
and, you know, if we are not able to get a satisfactory
resolution here, then the next step will be at the State
level.
COMMISSIONER STARLING: Yeah. I am not
necessarily against the complaint. I totally understand
what you are talking about. I totally understand it, but
I am just trying to protect on if we did something --
they could -- even if we voted to grant the complaint, I
am almost certain that the state coordinator wouldn't
allow us to implement it.
MR. JOHNSTON: Yes, I understand. I appreciate
that.
MR. CHAIRMAN: That's consistent with my
1 conversation with him earlier today, was that they want
all 95 counties to be uniform in the way they conduct
3 elections.
MR. JOHNSTON: Nobody has come up with a reason
why that the statute is not more widely publicized and
understood by the public. It's been on the book since
2003, and -- and people are -- are writing in votes all
the time with the expectation, not that their candidate
is going to win, but as an expression of their dissent or
their dissatisfaction.
MR. CHAIRMAN: I understand where you are
coming from. It's not without some sympathy on behalf of
the commissioners that they have received this
information. The problem is, at the last meeting -- and
I will ask for Nicki to respond -- we asked her to sort
out of tell us what the legal ramifications would be if we
did something like this. And I will tell you that in my
conversation with Mr. Goins -- well, and the staff, one
19.5, we don't even know who the write-in candidates are
for, what, when, two days before the election?
MS. NIXON: Uh-huh.
MR. CHAIRMAN: So we have very limited ability
24 to publicize it or print materials, because the campaign
24 workers come in a week before to get all their literature
25 to take to the polling places. So we don't even know who
1 they are. This past election that you complained about, 2 we had no write-in or no qualified write-in candidates. 3 So your -- your complaint may be moot because we didn't 4 have any qualified write-in candidates.

MR. JOHNSTON: Well, that is an interesting 6 point, and maybe the reason that there were no qualified 7 write-in candidates is because there was no information 8 published as to the procedure to qualify 50 days before 9 the election.

MR. CHAIRMAN: But then you get into the 11 question of what responsibility do we have to educate the 12 public as to the possibility of qualifying --

MR. JOHNSTON: That's the bottom line.

MR. CHAIRMAN: -- versus all the other statutes 15 that apply to people qualifying to vote and voting, 16 et cetera. And if you say, well, you have got an 17 obligation to affirmatively inform people about this 18 right, what other rights would we have that obligation? 19 We are going into uncharted territory here. So that's 20 our problem from this perspective.

MR. JOHNSTON: Well, my -- my role here today 22 is just to point out the problem, try to establish an 23 administrative record of some sort so that if a higher 24 authority has to review the issues, they will know it has 25 been thoroughly discussed at this level, and a proper

1 people really definitely do not understand that there is 2 this requirement in the law, and I am very sympathetic to 3 that. But it seems like maybe your appropriate remedy 4 might be legislative. You know, perhaps if you were to 5 go to the various legislators and explain that issue, you 6 could modify or repeal the law that you had as opposed to 7 trying to challenge it on various grounds of the court.

I mean, I think it's pretty clear we're being 9 set up to be sued at this point, which I'm sympathetic 10 to, and I have certainly done in my career. But it seems 11 like maybe you might actually get legislators and people 12 who are running for office to be sympathetic to that 13 cause.

MR. JOHNSTON: I would -- I would love to 15 believe that would be practical. However, I have read 16 the legislative history that went back on how this was 17 initially proposed in 2003, and the short name for this 18 statute was called the Income -- I'm sorry, the Incumbent 19 Protection Act. Now, you are asking me to go to those 20 incumbents and ask them to undo something that is to 21 protect them. Probably not.

MR. CHAIRMAN: All right. Any further 23 discussion?

COMMISSIONER DELANIS: Will the Chair want us 25 to give us -- give our reasons why we vote? This is

1 decision has been made and be proffered for further 2 review.

MR. CHEATHAM: If there were no qualified 4 write-in candidates, that means that there was no 5 election on this committee, the post I am talking about, 6 because -- because nobody could cast -- if they casted a 7 write-in vote, got counted.

MR. CHAIRMAN: That's back to the statute you 9 cited about the 30 days, et cetera, which is a state 10 statute that we have no control over. It seems to be the 11 statute that needs to be addressed, and you perhaps 12 already addressed it unfavorably.

MR. CHEATHAM: As I understand the law, I think 14 this issue could be raised again if it were raised on 15 a -- by a different person in a different situation.

Maybe you would have that precedent to argue against. If 17 you could make a better argument, you might win.

MR. CHAIRMAN: Mr. Johnston, how do you take 19 that?

MR. JOHNSTON: I take it on the chin.

COMMISSIONER HERZFELD: If I could just make 22 one comment.

MR. CHAIRMAN: Yeah.

COMMISSIONER HERZFELD: I do agree that people 25 are sympathetic to what you are saying. A whole lot of

1 going to be going somewhere else potentially.

MR. CHAIRMAN: If you would like to, I am more 3 than open to have -- first, we need a motion to do 4 something and then a second and then a discussion, and 5 then we'll take the vote. So do I have a motion on the 6 complaint by Mr. Johnston?

COMMISSIONER STARLING: Okay. I am trying to 8 figure out what the motion would be.

COMMISSIONER DELANIS: If this is a complaint 10 that we can act upon, then I move that we -- we state 11 that we have considered it and that we have decided not 12 to take any action in response to it.

MR. CHAIRMAN: Okay. That is a motion that we 14 have received the complaint. We have listened to the 15 complainants on it and that the Commission take no action 16 at this time. Did I correctly state that?

COMMISSIONER DELANIS: Yes.

MR. CHAIRMAN: And do I have a second to that 19 motion?

COMMISSIONER HERZFELD: I'll second it.

MR. CHAIRMAN: We got a motion and a second. 22 Now any discussion as to why you feel like the motion 23 should pass or fail, if you would like to state your 24 position on it.

COMMISSIONER DELANIS: The State has passed a
1 very extensive set of statutes on this issue, and the
2 election laws are voluminous. Each of us has got a thick
3 book that sets forth the election laws, and we cannot
4 take on the job of educating the public on all of those
5 provisions. In addition, those statutes do provide that
6 there is a ballot, and write-in candidates, even if they
7 qualify, are not on the ballot. For us to essentially
8 create our own ballot on a separate piece of paper a day
9 or two before the election and then post it, I suggest
10 would create more problems than it would solve and put us
11 in a difficult position.
12 The election laws seem to put the burden on the
13 candidate to publicize the fact that they are running,
14 and that's probably the appropriate place to put the
15 burden. A write-in candidate -- a qualified write-in
16 candidate has the duty to tell the public that he is
17 running. And at this point, the election laws do not put
18 that burden on us. And I think even though it has been
19 stated we are sympathetic to the issue that has been
20 raised, I think it would be dangerous to take on the duty
21 of publicizing any candidate’s write-in candidacy.
22 I've got some difficulty with the standing
23 issue and some of the legal aspects of this that go
24 beyond the substance of the question that has been
25 raised. This is essentially the same question that has
26 been raised at least once before. It's part of a pending
27 application for permission to appeal to the Tennessee
28 Supreme Court. Evidently, this issue was expressly
29 raised in the Court of Appeals. There was a negative
30 decision rendered in that case, and then counsel, for
31 strategic reasons, decided not to raise this very same
32 issue before the Tennessee Supreme Court.
33 The statutory time to challenge the election
34 has passed, and for those reasons, I think that there has
35 been a waiver or some -- there are procedural questions
36 with this -- with this petition to us. The position
37 taken by Mr. Cheatham that the law as it exists now, the
38 procedure as it exists now could create a sham election
39 and stealth elections. I am not so sure that what he
40 suggests would create equal if not worse danger.
41 And, finally, the cause of action for
42 constructive fraud, as I understand it, has never been
43 recognized in Tennessee as a basis to challenge a statute
44 or a procedure. It's a tort concept. So those are my
45 reasons for making the motion.
46 MR. CHAIRMAN: All right. Any other
47 discussion? Anybody else want to say anything?
48 COMMISSIONER STARLING: Yeah. I just want to
49 say that I think that the complaint is a good complaint
50 in the sense that it's bringing attention to an issue
51 that really needs some discussion and some work on in the
52 statute. I just think the venue is the wrong place. I
53 think the venue should be the State coordinator because
54 of statewide implications.
55 And I understand you have to start at a certain
56 point and, but it does need some attention from the State
57 coordinator on a State Election Commission to deal with
58 that issue because it's an issue that's out there that
59 really is not educating the public the way it should be.
60 But I don't think it's Davidson County's responsibility
61 totally to do that. I think it's for the State Election
62 Commission to do that with some guidelines. So that's
63 the reason why I am voting the way I am voting.
64 MR. CHAIRMAN: Okay. Any other comments?
65 I have sympathy for your position also, and I
66 vote against it today doing anything, but I think at
67 least it's educated me that -- and this probably won't be
68 the last time something along those lines will be brought
69 up. I mean, if we can do some sort of brochure on
70 absentee -- I mean, write-in voting or something we can
71 hand out or publish on the website or do something like
72 that is not going to put us in jeopardy but just, as
73 you say, an educational -- I think that's something that
74 we might could explore. But it wouldn't need -- it would
75 be a more administrative decision. We don't approve the
76 website to start with. So, but, yeah, I appreciate you
77 bringing it to our attention.
78 No further discussion, we will vote on the
79 motion. All those in favor of the motion, say eye.
80 (The commissioners say eye.)
81 MR. CHAIRMAN: Any opposed, no. Let the record
82 reflect it passed unanimously.
83 Thank you all for coming. We appreciate your
84 time as concerned citizens.
85 MR. JOHNSTON: Thank you.
86 (This concludes this section of the meeting.)
STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, DEBRA R. CARNEY, LCR #303, RPR #030481, CCR #277, licensed court reporter and notary public, in and for the State of Tennessee, do hereby certify that the above meeting was reported by me and that the foregoing 32 pages of the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not related to nor an employee of counsel or any of the parties to the action, nor am I in any way financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 19th day of September, 2014.

/Debra R. Carney/

Debra R. Carney, LCR #303
Expiration Date 07/30/2016
Notary Public Commission Expires: November 5, 2014
Accurate Court Reporting
144 Second Avenue North
Suite 230
Nashville, TN 37201
4-5-223. Declaratory orders.

(a) Any affected person may petition an agency for a declaratory order as to the validity or applicability of a statute, rule or order within the primary jurisdiction of the agency. The agency shall:

(1) Convene a contested case hearing pursuant to this chapter and issue a declaratory order, which shall be subject to review in the chancery court of Davidson County, unless otherwise specifically provided by statute, in the manner provided for the review of decisions in contested cases; or

(2) Refuse to issue a declaratory order, in which event the person petitioning the agency for a declaratory order may apply for a declaratory judgment as provided in § 4-5-225.

(b) A declaratory order shall be binding between the agency and parties on the state of facts alleged in the petition unless it is altered or set aside by the agency or a court in a proper proceeding.

(c) If an agency has not set a petition for a declaratory order for a contested case hearing within sixty (60) days after receipt of the petition, the agency shall be deemed to have denied the petition and to have refused to issue a declaratory order.

(d) Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition.

Law Reviews.


Cited:

promulgated while it was the sole state agency in charge of administering the Medicaid program. The health department was the agency with primary jurisdiction over the case pursuant to T.C.A. § 4-5-223(a) of the Uniform Administrative Procedures Act. Baptist Hosp. v. Tennessee Dept. of Health, 982 S.W.2d 339, 1999 Tenn. LEXIS 718 (Tenn. 1999).

(b) The state was not entitled to a declaratory judgment because that because of his medical condition he should be drug tested by patch rather than urine sample when the Statutory Judgment Act, T.C.A. § 29-14-101 et seq., did not permit the filing of a suit against the state to continue statutes; moreover, the chancellor court lacked jurisdiction to hear a declaratory judgment action against the department of correction, as T.C.A. §§ 4-5-223 and 4-5-225 did not apply to the internal management of state government if the policy did not affect the private rights, privileges, or procedures available to the public. Fuller v. Campbell, 109 S.W.3d 737, 2003 Tenn. App. LEXIS 36 (Tenn. Ct. App. 2003), appeal denied, — S.W.3d —, 2003 Tenn. LEXIS 533 (Tenn. May 27, 2003), appeal denied, — S.W.3d —, 2003 Tenn. LEXIS 564 (Tenn. 2003).

Trial court erred in dismissing colleges' declaratory judgment action against the Tennessee Higher Education Commission for lack of subject matter jurisdiction because pursuant to the Uniform Administrative Procedures Act, T.C.A. § 4-5-225(a), the trial court had subject matter jurisdiction over the colleges' complaint for declaratory judgment even though the administrative proceedings had not been resolved when the lawsuit was commenced; however, under § 4-5-225(b), the trial court was not permitted to render declaratory judgment until the statutory exhaustion requirement had been met. Nat'l College of Bus. & Tech. & Remington College v. Tenn. Higher Educ. Comm'n, — S.W.3d —, 2010 Tenn. App. LEXIS 205 (Tenn. Ct. App. Mar. 18, 2010).

3. Criminal Sentencing.

Where an agency is petitioned to issue a declaratory order pursuant to T.C.A. § 4-5-223 and the agency declines to convene a contested case hearing and issue the declaratory order, the petitioner is not subject to the 60-day statute of limitations established by T.C.A. § 4-5-322(b)(1); rather, a complaint for declaratory judgment under T.C.A. § 4-5-225 is governed by Tennessee's general ten-year statute of limitations, codified at T.C.A. § 28-3-110(3). Huggins v. State, 208 S.W.3d 388, 2006 Tenn. LEXIS 1108 (Tenn. 2006).

Prisoner's declaratory judgment action was not time-barred under T.C.A. § 4-5-223(a) in that it was filed after sixty days from the date that the department of corrections in a letter stated that it denied the prisoner's application for a declaratory order because the letter did not constitute a final order under T.C.A. § 4-5-322(b)(1) and T.C.A. § 4-5-314(c); rather, the provisions of T.C.A. § 4-5-225 applied, and because there was no express limitations period under the provisions, the general ten-year limitations period of T.C.A. § 28-3-110 applied. Huggins v. State, 208 S.W.3d 388, 2006 Tenn. LEXIS 1108 (Tenn. 2006).

4. Standing.


5. DHS Rules Invalid.

Policies and procedures in the Department of Human Services' Child Care Certificate Program Policy and Procedures Manual relied upon by the Department to terminate the child care centers from the Child Care Certificate Program constituted "rules," as that term was defined in T.C.A. § 4-5-102, and the "rules" relied upon by the Department to terminate the centers were not promulgated as the APA required, T.C.A. § 71-1-105(5)(B). Because the rules were not promulgated as rules in accordance with the Uniform Administrative Procedures Act, they were invalid and could not have served as the basis for the centers' termination. T.C.A. § 4-5-216; based upon the clear meaning of T.C.A. § 4-5-216, the grant of the centers' Tenn. R. Civ. P. 12.03 motion for judgment on the pleadings was affirmed. Heritage Early Childhood Dev. Ctr., Inc. v. Tenn. Dept. of Human Servs., — S.W.3d —, 2009 Tenn. App. LEXIS 696 (Tenn. Ct. App. Sept. 22, 2009).

4-5-224. Declaratory order request — Notices.

(a) Whenever an agency is petitioned for a declaratory order, that agency shall:

(1) Submit electronically to the secretary of state the notice of hearing for publication in the notice section of the administrative register web site and,
if a statute applicable to the specific agency or a specific rule or class of rules under consideration requires some other form of publication, publish notice as required by that statute in addition to publication in the notice section of the administrative register website; and

(2) Take such other steps as it deems necessary to convey effective notice to other agencies and professional associations that are likely to have an interest in the declaratory order proceedings.

(b) Such notices shall include specific information relating to the declaratory order request, including, but not limited to:

(1) Name of petitioner and an explanation of whom such person or entity purports to represent;

(2) A summary of the relief requested, including the specific nature of the requested order, and the conclusion or conclusions the petitioner requests that the agency reach following the declaratory proceeding; and

(3) A detailed outline and summary of the statutes or regulations that the agency is called upon to interpret or upon which it is to rule.

(c) Notwithstanding § 4-5-223(a)-(c), except in the case of an emergency proceeding that meets the conditions of § 4-5-208, no declaratory order proceeding that calls for a title 63 agency to rule on the meaning of any provision of a licensee’s professional licensing act may be set until at least forty-five (45) days after the notice required by this section has been filed with the secretary of state.

History.

Compiler’s Notes.
Former § 4-5-224, concerning declaratory judgments, was transferred to § 4-5-221 pursuant to Acts 1997, ch. 162, § 1.
Act 2009, ch. 566, § 25 provided that the act shall apply to all rules and regulations filed with the secretary of state after July 1, 2009.

Cited:

NOTES TO DECISIONS

Analysis

2. Construction.
3. Mootness.
4. Jurisdiction.

Inmates were not entitled to bring a declaratory judgment proceeding to declare a statute unconstitutional where they had not sought a declaratory order from the agency that exercised primary jurisdiction over the statute. Davis v. Sundquist, 947 S.W.2d 150, 1997 Tenn. App. LEXIS 130 (Tenn. Ct. App. 1997).

2. Construction.
Notice requirement of T.C.A. § 4-5-224 pertains to the scheduling of a hearing, not the filing of a petition, and only requires that the agency petitioned for declaratory order provide notice of the hearing, not the filing of a petition; the petition was dismissed prior to the scheduling of a hearing and the agency was under no duty to send out notice. Tenn. Envtl. Council v. Tenn. Water Quality Control Bd., 254 S.W.3d 396, 2007 Tenn. App. LEXIS 631 (Tenn. Ct. App. Oct. 3, 2007), appeal denied, — S.W.3d —, 2008 Tenn. LEXIS 174 (Tenn. Mar. 10, 2008).

3. Mootness.
Claims of a state employee challenging her termination and seeking back pay, expungement of employment records, and attorney's fees were not moot because she had already been terminated, since, even if she could not convince a court to set aside her termination or grant monetary relief, she might be entitled to judicial relief with regard to other rights under T.C.A. § 8-30-312. Cashion v. Robertson, 955 S.W.2d 60, 1997 Tenn. App. LEXIS 198 (Tenn. Ct. App. 1997), rehearing denied, — S.W.2d —, 1997 Tenn. App. LEXIS 241 (Tenn. Ct. App. Apr. 11, 1997).
Before the Tennessee State Election Commission

Joseph H. Johnston, Write-In Candidate for Councilman at Large, Metropolitan Nashville, Davidson County

PETITION FOR DECLARATORY ORDER

Comes Now Petitioner, Joseph H. Johnston, and hereby petitions the Tennessee State Election Commission for a Declaratory Order, pursuant to Tenn. Code Ann. §4-5-233 defining the duties of the Davidson County Election Commission to explain to voters at the polls during the upcoming August 6, 2015 municipal elections, that write-in votes will only be counted for Write-In Candidates who have pre-registered with the Davidson County Election Commission fifty (50) days before the election and that write-in votes for Candidates who have not pre-registered will not be counted.

1. Petitioner Joseph H. Johnston is a citizen of Davidson County. He is a taxpayer and a registered voter residing at 2815 Belmont Boulevard, Nashville, Tennessee 37212. His voter I.D. No. is 00138728. [Exhibit A].

2. On May 4, 2015, Petitioner went to the Davidson County Election Commission and pre-registered as a Write-In Candidate for the office of Councilman at Large for the municipal election to be held on August 6, 2015. [Exhibit B].

3. In previous elections in Davidson County, the poll workers have been very diligent in instructing voters how to cast write-in votes on the electronic voting machines. However, they do not advise voters that unless the vote is for a “qualified” Write-in Candidate who has pre-registered with the Davidson County Election Commission, the write-in vote will not be counted nor will it be counted as part of the total votes cast in the election.
4. Not only are poll workers ignorant of the requirements of Tenn. Code Ann. §2-7-133(1), there have been no written instructions explaining the Statute in the form of public information pamphlets or other printed educational materials available at polling places.

5. In previous elections in Davidson County, there have been no lists of "qualified Write-in Candidates" posted at the polling places to instruct voters of the names of Write-In Candidates who had properly qualified, or whether or not any Write-in Candidates had qualified for a particular office.

6. Petitioner is concerned that voters in the August 6, 2015 municipal election who wish to cast a write-in vote for anyone other than the official candidates on the ballot will not understand that their write-in votes will only be counted in the election if they vote for a qualified Write-in Candidate such as Petitioner. Many times this decision to cast a write-in vote is not made until the voter is already at the poll or in the voting booth.

7. The Tenn. Code Ann. §2-7-111(a) requires the Office of Elections to have voting instructions posted conspicuously at each polling place. [Exhibit C].

8. Tenn. Code Ann. §2-12-201(a)(12) provides that the Administrator of Elections has a duty to know the current laws pertaining to elections and to apprise the public in general of this information. [Exhibit D].

9. Petitioner avers that such a flaw in the election process will constitute a constructive fraud on the voters of Davidson County who will be deprived of an opportunity to cast a vote for such Write-in Candidates who may have complied with the fifty (50) day rule.
10. Further, the County Administrator of Elections has a statutory duty to educate the public regarding the election laws. The failure to provide this information constitutes a breach of that duty that has effectively denied the voters their Constitutional right to cast an informed vote. This also amounts to a constructive fraud.

11. Finally, the voters who cast their vote for an unqualified Write-in Candidate will not have their vote counted in the total votes cast. The number of votes cast for unqualified Write-in Candidates against the nominated candidates who were running “unopposed”, will not be reported to the public.

12. Petitioner intends to give notice of his Write-in Candidacy in future elections until these issues have been resolved.

Prayer for Relief

Petitioner prays that:

1. This Petition be served on the Davidson County Election Commission through its County Administrator of Elections and the Metropolitan Legal Department.

2. A Declaratory Order be issued, pursuant to Tenn. Code Ann. §4-5-253, for the Davidson County Administrator of Elections to comply with all statutory requirements relating to educating the public about Tenn. Code Ann. §2-7-133(i) and post instructions at all polling places regarding its limitations on voters’ right to cast informed votes in the August 6, 2015 election and all future elections.

3. Furthermore, the Declaratory Order should direct the Davidson County Administrator of Elections to post the names of all “qualified Write-in Candidates”, including Petitioner Joseph H. Johnston, at each polling place where such elective offices are to be voted on.
4. Such other relief as may be necessary and proper including an evidentiary hearing before an Administrative Law Judge, if necessary.

[Signature]
Joseph H. Johnston
Petitioner Pro Se

Verification

I declare under penalty of perjury that the facts in the foregoing Petition are true to my knowledge.

[Signature]
Joseph H. Johnston

Certificate of Service

I hereby certify that the foregoing document has been served upon the following on this 18th day of May, 2015 by first-class postage prepaid U.S. Mail:

Davidson County Election Commission
c/o Metropolitan Legal Department
P.O. Box 196300
Nashville, Tennessee 37219

[Signature]
Joseph H. Johnston
Certificate of Write-In Candidacy
State of Tennessee

In order for write-in ballots to be counted, this form must be filed no later than twelve o'clock (12:00) noon, prevailing time, on the fiftieth (50th) day before the election, in each county that makes up the district of the listed office. For the offices of Governor, US Senate, and US House of Representatives, this form must be filed with the Tennessee Coordinator of Elections.

Name of Candidate: Joseph H. Johnson
Nickname: 
Residential Address: 2815 Belmont Blvd., Nashville, Tennessee 37212
Contact Phone Number: (615) 942-8363
Office Sought: Councilman at Large
Division/Part/District: Metropolitan Nashville Davidson County
Check appropriate box: ☐ Democratic Primary ☐ Republican Primary ☐ General Election ☐ Municipal Election

I, the above-named candidate, hereby request that ballots cast in my name be counted in the primary/general election to be held on the 6th day of August, 2015.

(Signature of Candidate) 5/4/15

For Office Use:
This certificate was received by Kelley A. Harrison on the 4th day of May, 2015.

(Signature of Election Official)

Exhibit B

SS-3072 RDA 451
plaint, the contestant failed to demonstrate that a purge of those ballots would have changed the result of the election or rendered its outcome uncertain. Therefore, the court had no choice but to conclude that the chancellor correctly dismissed the complaint for failure to state a claim. Forbes v. Bell, 816 S.W.2d 716 (Tenn. 1991).

The allegations of the complaint were insufficient to show, district-wide, that the election was so permeated by fraud or illegality as to render the results inescapably uncertain or to thwart the will of the electorate. Forbes v. Bell, 816 S.W.2d 716 (Tenn. 1991).

**Collateral References. Conduct of election**

- 144.197-234.

2-7-110. Examination and final preparation of machines. — (a) The officer shall give the sealed voting machine keys to the judges to prepare the machines for voting. The envelope containing the keys may not be opened until the judges have examined it to see that it has not been opened and that the number registered on the protective counter and the number on the seal with which the machine is sealed correspond with the numbers written on the envelope containing the keys.

(b) If the envelope has been torn open, or if the numbers do not correspond, or if any other discrepancy is found, the judges shall immediately inform the voting machine technician of the facts. The voting machine technician or the technician's assistant shall promptly examine the machine and certify whether it is properly arranged.

(c) If the number on the seal and the protective counter are found to agree with the numbers on the envelope, the judges shall then open the door concealing the counters and carefully examine every counter to see that it registers zero (000) and shall also allow the watchers to examine them. The judges shall then sign a certificate showing the delivery of the keys in a sealed envelope, the number on the seal, the number registered on the protective counter, that all the counters are set at zero (000), and that the ballot labels are properly placed in the machine.

(d) If any counter is found not to register at zero (000) and if it is impracticable for the voting machine technician to arrive in time to adjust the counters before the time set for opening the polls, the judges shall immediately make a written statement of the designating letter and number, if any, of such counter, together with the number registered thereon, and shall sign and post the statement on the wall of the polling place where it shall remain throughout the election day. In filling out the tally sheets, they shall subtract such number from the number then registered on such counter. [Acts 1972, ch. 740, § 1; T.C.A., § 2-710.]

**Collateral References. Conduct of election**

- 144.197-234.

2-7-111. Posting of sample ballots and instructions — Arrangement of polling place — Restrictions. — (a) The officer of elections shall have the sample ballots, voting instructions, and other materials which are to be posted, placed in conspicuous positions inside the polling place for the use of voters. The officer shall measure off one hundred feet (100') from the entrances to the
building in which the election is to be held and place boundary signs at that distance.

(b)(1) Within the appropriate boundary as established in subsection (a), and the building in which the polling place is located, the display of campaign posters, signs or other campaign materials, distribution of campaign materials, and solicitation of votes for or against any person, political party, or position on a question are prohibited. No campaign posters, signs or other campaign literature may be displayed on or in any building in which a polling place is located.

(2) Except in a county with a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census, a solicitation or collection for any cause is prohibited. This does not include the normal activities that may occur at such polling place such as a church, school, grocery, etc.

(3) Nothing in this section shall be construed to prohibit any person from wearing a button, cap, hat, pin, shirt, or other article of clothing outside the established boundary but on the property where the polling place is located.

(c) The officer of elections shall have each official wear a badge with that official’s name and official title.

(d) With the exception of counties having a metropolitan form of government, any county having a population over six hundred thousand (600,000) according to the 1970 federal census or any subsequent federal census, and counties having a population of between two hundred fifty thousand (250,000) and two hundred sixty thousand (260,000) by the 1970 census, any county may, by private act, extend the one hundred foot (100’) boundary provided in this section. [Acts 1972, ch. 740, § 1; T.C.A., § 2-711; Acts 1980, ch. 543, §§ 1, 2; 1987, ch. 362, §§ 1, 2, 4; 1993, ch. 465, §§ 1, 2; 1993, ch. 518, §§ 11, 21; 1994, ch. 582, § 1; 2003, ch. 307, § 6.]

Compiler’s Notes. This section was held unconstitutional in *Freeman v. Barson*, 802 S.W.2d 210 (Tenn. 1990). See heading “Constitutionality” under Notes to Decisions. However, the decision by the Tennessee supreme court was reversed on appeal by the United States supreme court on May 25, 1992. See *Barson v. Freeman*, 504 U.S. 191, 112 S. Ct. 1846, 119 L. Ed. 2d 5 (1992).

For tables of U.S. decennial populations of Tennessee counties, see Volume 13 and its supplement.

Amendments. The 2003 amendment deleted the former last sentence in (a), which provided for counties with certain populations where the officer of elections was required to measure off three hundred feet (300’) from the entrance to the building in which the election was to be held and to place boundary signs at that distance.


Cross-References. Violation of this section a misdemeanor, § 2-19-119.

Section to Section References. This section is reference to in §§ 2-3-108, 2-19-119.

Attorney General Opinions. Extension of boundary at polling place prohibited, OAG 97-123 (9/22/97).

The 100 foot “campaign-free” zone on election day does not extend to private property adjacent to and within 100 feet of the entrance to the polling place, OAG 02-118 (10/24/02).

NOTES TO DECISIONS

1. Constitutionality.

The exercise of free speech rights conflicts with another fundamental right, the right to cast a ballot in an election free from the taint of intimidation and fraud. Some restricted zone around polling places is necessary to protect that fundamental right. Given the conflict between these two rights, requiring solicitors to
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NOTES TO DECISIONS

1. Authority.

Trial court erred in granting the city's motion for summary judgment and in denying the county election commission's motion for summary judgment in the commission's action seeking a declaratory determination of its rights under election statutes, T.C.A. § 2-3-401 et seq. and § 2-6-101 et seq., because the commission had the sole responsibility to designate polling locations, and it was the duty of public building authorities to make public buildings available for voting. Williamson County Election Comm'n v. Webb, — S.W.3d —, 2013 Tenn. App. LEXIS 362 (Tenn. Ct. App. Mar. 22, 2013).

2-12-117. Development of Internet based electronic filing process.

(a) Each county election commission is authorized to develop, with the advice, assistance and approval of the registry of election finance, an Internet based electronic filing process for use by candidates for local public office and all political campaign committees for a local election in such county or in the municipalities located in such county that are required to file statements and reports with such county election commission.
(b) Such system shall provide each candidate and political campaign committee with secure access to the electronic filing system and provide safeguards against efforts to tamper or change the data in any way.
(c) Once the electronic filing system is completed and tested, the county election commission shall provide public notice that the system is operational and available for filing to commence use.
(d) If a county election commission decides to develop such an Internet based electronic filing process, any and all costs for such development and Internet posting shall be an expenditure of such county election commission.

History.

Effective Dates.

PART 2
REGISTRARS

2-12-201. Employment of election administrators and clerical assistants.

(a) The commission shall appoint an administrator of elections who shall be the chief administrative officer of the commission and who shall be responsible for the daily operations of the office and the execution of all elections. The duties of the administrator of elections may, upon the administrator's discretion, be performed by a designee. Such duties include, but are not limited to, the following:

(1) Employment of all office personnel; after July 1, 2011, administrators of elections may not appoint or hire, except in the event of and during an emergency, members of the county election commission, or spouses, parents, brothers, sisters or children, including in-laws of commission members or spouses, parents, brothers, sisters or children, including in-laws of the administrator of elections' as deputies, clerical assistants, absentees voting deputies, machine technicians, poll officials or as members of the absentee counting board;
(2) Preparation of the annual operating budget and presentation of such budget to the election commission for approval;

(3) Upon approval by the county election commission, presentation of the annual budget to the county commission or other legislative body for funding;

(4) Requisition and purchase of any supplies necessary for the operation of the election commission office and the conduct of all elections;

(5) Maintenance of voter registration files, campaign disclosure records, and any other records required by this title;

(6) Conducting of instruction class for poll workers or designation of another qualified person to conduct such class;

(7) Preparation of all notices for publication required by this title;

(8) Preparation and maintenance of all fiscal records necessary for the daily operation of the election commission office and all elections. This may include any requests for funding or changes in funding, if necessary, after adoption of the current fiscal budget;

(9) Compilation, maintenance and dissemination of information to the public, the candidates, the voters, the press, and all inquiring parties in regard to all aspects of the electoral process on all governmental levels;

(10) Promotion of the electoral process through supplemental registrations, public functions, press releases and media advertising whenever possible;

(11) Attendance at any required seminar and other educational seminars, as funding permits, to gain knowledge beneficial to the administration of the election commission office or to the electoral process;

(12) Having knowledge of all current laws pertaining to the election process and any changes mandated by the general assembly, and apprising the election commission, office staff, candidates, the press and the public in general of this information;

(13) Assistance in the planning and implementation of any plan of reapportionment or reapportionment of any governmental entity involved in the electoral process;

(14) The county election commissioners may not employ themselves or any of their spouses, parents, siblings, in-laws or children as administrators;

(15) Preparation of a plan for placing precinct voting locations and presentation of such plan to the election commission for approval;

(16) Preparation of a plan for early voting sites and presentation of such plan to the election commission for approval; and

(17) Upon request, assist the:

(A) City councils, as appropriate, for cities located in the county;

(B) County legislative body;

(C) Local board of education; and

(D) Members of the general assembly representing the county, concerning redistricting in 2012, and thereafter every two-year period following each decennial census taken by the United States census bureau.

(b) [Deleted by 2013 amendment, effective April 25, 2013.]
2-7-132. Completion of duplicate tally sheets — Certification — Final proclamation of vote.


2-7-133. Ballots which may be counted.

(a) Only ballots provided in accordance with this title may be counted. The judges shall write "Void" on others and sign them.

(b) If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled or on a question, the voter's ballot shall not be counted for such office and shall be marked "Uncounted" beside the office and be signed by the judges. It shall be counted so far as it is properly marked or so far as it is possible to determine the voter's choice.

(c) If two (2) ballots are rolled up together or are folded together, they shall not be counted. The judges shall write on them "Void" and the reason and sign them.

(d) Any ballot marked by the voter for identification shall not be counted. The judges shall write on it "Void" and the reason and sign it.

(e) Ballots which are not counted shall be kept together and shall be bundled separately from the ballots which are counted.

(f) Notwithstanding any other provision of law to the contrary, a vote shall be counted if a recount is undertaken on a punchcard ballot under the following conditions:
   (1) When at least two (2) corners of the chad are detached;
   (2) Light is visible through the hole; or
   (3) An indentation of the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote.

(g) Notwithstanding any other provision of law to the contrary, if a voter marks a paper or optical scan ballot with a cross, "x", checkmark or any other appropriate mark within the square, circle or oval to the right of the candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite. Underlining or circling the candidate's name would also constitute a vote. Any apparent erasure of a mark next to the name of a candidate may not be counted as a vote for that candidate if the voter makes another mark next to the name of one (1) or more different candidates for the same office and counting of the mark would result in an excess number of votes cast for the office.

(h) If a voter casts more than one (1) vote for the same candidate for the same office, the first vote is valid and the remaining votes are invalid.

(i) Any person attempting to be elected by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no later than twelve o'clock (12:00 noon), prevailing time, fifty (50) days before the general election. Such person shall only have votes counted in counties where such notice was completed and timely filed. The notice shall be on a form prescribed by the coordinator of elections and shall not require signatures of
any person other than the write-in candidate requesting ballots be counted. The coordinator of elections shall distribute such form to the county election commissions. Upon timely receiving the notice required by this subsection (i), the county election commission shall promptly inform the state coordinator of elections, the registry of election finance, as well as all other candidates participating in the affected election. A write-in candidate may withdraw the notice by filing a letter of withdrawal in the same manner as the original notice was filed no later than the fifth day before the election.

Effective Dates.

Attorney General Opinions.
Notice requirement for write-in candidates is constitutionally defensible, OAG 04-023 (2/12/04).

Cited:

Collateral References.
Challenges to Write-in Ballots and Certification of Write-in Candidates. 75 A.L.R.6th 511.

2-7-137. Items to be locked in ballot box after certification of the completed tally sheets.

Section 2-7-137.
This section is referred to in § 2-7-139.

2-7-140. Procedures for certain inactive voters.

Section to Section References.
This section is referred to in §§ 2-2-106, 2-2-129, 2-2-130, 2-6-109, 2-6-209, 2-7-112, 2-7-115.

2-7-141. Procedures for certain active voters.

Section to Section References.
This section is referred to in § 2-7-113.

2-7-142. [Repealed.]

Compiler’s Notes.
Former § 2-7-142 (Acts 2001, ch. 465, § 5), concerning notices for polling places utilizing a punchcard system of voting, was repealed by Acts 2009, ch. 218, § 7, effective July 1, 2009.

CHAPTER 8
DETERMINATION OF RESULTS

Section
2-8-101. Meeting of county election commission following election.
2-8-104. Comparing votes from tally tapes to tabulated election results.
July 14, 2015

Joseph H. Johnston, Esq.
P.O. Box 120874
Acklen Station
Nashville, Tennessee 37212

Mr. Johnston,

Enclosed please find the State Election Commission’s Order denying your Petition for Declaratory Order.

Sincerely,

Mary Beth Thomas
General Counsel

cc: State Election Commission (via email)

Mark Goins, Esq. (via email)
Coordinator of Elections
BEFORE THE STATE ELECTION COMMISSION

In re: Joseph H. Johnston, Write-In  
Candidate for Councilman at Large,  
Metropolitan Nashville, Davidson County  
Petitioner

ORDER DENYING DECLARATORY RELIEF

This cause came to be heard before the State Election Commission on July 13, 2015. Petitioner Joseph H. Johnston served a Petition for Declaratory Relief upon Mark Goins, Coordinator of Elections for the State of Tennessee, on May 19, 2015. Mr. Johnston’s Petition seeks a declaratory order from the State Election Commission, pursuant to Tenn. Code Ann. § 4-5-223, instructing “the Davidson County Administrator of Elections to comply with all statutory requirements relating to educating the public about Tenn. Code Ann. § 2-7-133(i) and post instructions at all polling places regarding its limitations on voters’ right to cast informed votes in the August 6, 2015 election and all future elections,” and further ordering that the “Davidson County Administrator of Elections post the names of all ‘qualified Write-In Candidates’ including Petitioner Joseph H. Johnston, at each polling place where such elective offices are to be voted on.” Petition, p. 3, ¶ 3.

Tenn. Code Ann. § 4-5-223 provides that “any affected person may petition an agency for a declaratory order as to the validity or applicability of a statute, rule or order within the primary jurisdiction of the agency.” Mr. Johnston’s Petition does not seek an order with regard to the validity or applicability of a statute; rather, it seeks an order that would impose additional obligations on the Davidson County Administrator of Elections above what present law requires. Because Mr. Johnston’s requested relief is akin to injunctive relief, and not an order regarding
the validity or applicability of a statute, the State Election Commission is completely without
authority and jurisdiction to grant it.

Further, the State Election Commission does not have any duty – statutory or otherwise –
to perform the functions requested by Mr. Johnston's Petition. The State Election Commission
does not administer election laws; rather, it appoints individuals to serve on the Davidson County
Election Commission.

For the above stated reasons, the State Election Commission finds that Mr. Johnston's
Petition is not well taken and should be denied.

It is, therefore, ordered that the Petition for Declaratory Order filed by Mr. Johnston with
the State Election Commission be denied.

Entered this 13th day of July, 2015.

Kent Younce, Chairman
State Election Commission
312 Rosa L. Parks Ave., 7th Floor
William R. Snodgrass Tower
Nashville, Tennessee 37243
(615) 741-2819

CERTIFICATE OF SERVICE

I certify that a true and exact copy of this Order was served on Joseph H. Johnston on this
4th day of July, 2015 via first class mail, postage prepaid.

Mary Beth Thomas (TNBPR#23003)
General Counsel
Secretary of State
State Capitol, First Floor
Nashville, Tennessee 37243
(615) 741-2819
mary.beth.thomas@tn.gov
PROCEDURES FOR CERTIFYING VOTING MACHINES
BY THE TENNESSEE STATE ELECTION COMMISSION

All voting machines/vendors must receive certification from the state election commission and the coordinator of elections before any voting machines or systems may be sold in the State of Tennessee.

First Step:
Any interested vendor should submit a written request to the coordinator of elections and the state election commission requesting certification of your company together with the EAC certification number, a financial report and a list of all states that have already bought your voting machines or systems. If you would like to demonstrate your product at a meeting of the state election commission, please make that request in your letter. You will be notified of the date, time, and place of the meeting where you may make your presentation.

Second Step:
A. Voting Machine Procedure
Following verification of EAC certification and an initial presentation of your product and/or services, you would need to arrange for at least two (2) State Election Commissioners (of opposite parties) and the coordinator of elections (or designee) to view your machines or system in use in an election of a substantial size in another state. An election of a substantial size involves at the minimum the following characteristics:

- The jurisdiction has a population of at least 10,000 persons;
- The jurisdiction has at least two (2) or more district races on the ballots; and
- There are at least two (2) contested races involving both at large and district races on the ballot.

B. Voting Machine Software Systems Upgrade

- EAC Certification;
- Presentation of software upgrade before State Election Commission at a monthly meeting; and
- Viewing of upgrade in another state (In lieu of viewing machine in another state, at the discretion of the State Election Commission, letters of recommendation from users in other jurisdiction may be used as support for approval.)

C. De Minimis Voting System Changes

- Any De Minimis change to an EAC certified voting system shall be submitted to the state election commission and coordinator of elections to be approved. For purposes of approval of the de minimis change to the voting system, all that will be required is a letter from the EAC stating that the change is de minimis, unless further information is requested by the state election commission or coordinator of elections.

Third Step:
The State Election Commission must vote to certify the machine in order for the machines to be used in an election in Tennessee.

You may send any correspondence for both the state election commission and the coordinator of elections to the following address:

312 Rosa L. Parks Avenue, 7th Floor
William R. Snodgrass Tower
Nashville, Tennessee 37243
(615) 741-7956

If you have any further questions regarding certification of your company, please feel free to contact the office of the state election coordinator at the phone number listed above.

H:\ELECTION\VOTING MACHINES\Voting Machine Certification Process Rev May 4, 2015.DOC
Mark and Kathy,

The two documents deal with the AOE's 2015 Seminar Attendance Records. We have 93 scanned attendance sheets in one file.

I have an excel report in one file.

We had five AOE's not in attendance (Davidson, Fayette, Jefferson, Johnson and Lake).

The person that will be the AOE in Fayette County was in attendance — he comes into the office on July 6th. He signed no form (Warren Adams).

Chad Gray will be the AOE in Williamson County in July — he was in attendance. He signed no form. Ann Beard is the AOE in Williamson and provided a signed form.

Three people were present wishing to maintain their certification: Suzanne Smith from Cumberland AOE tenure, Tammy Smith from Macon AOE tenure and Nicole Lester from Rutherford AOE tenure. We have a signed form on each of the three and they are the last three documents in the 93 attendance sheet document.

I hope this helps. If we need to change something please let me know.

wbp

Wayne B. Pruett
HAVA Coordinator
Division of Elections
Office of Tennessee Secretary of State Tre Hargett
Office Phone 615.532.0719
Fax # 615.741.1278
Mobile Phone 615.268.8404

This electronic mail may be subject to the Tennessee Public Records Act, Tenn. Code Ann., 10-7-503. Any reply to this email may also be subject to this act.

The mission of the Office of the Secretary of State is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy, cost-effectiveness, and accountability in a customer-centered environment.
The Web Experience for People with Disabilities

Donna DeBlasio
Tennessee Disability Coalition
Assistant Director
615-283-8442
www.tndisability.org

Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Southeast ADA Center is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the ADA. The contents of this document were developed under a grant from the Department of Education, NIDRR grant number H133A110020. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

People who are Blind

- Do not use a mouse
- May use a screen reader to listen to the content
- May use a refreshable Braille display

- All content must be accessible from the keyboard only
- Images, photos and graphics are unusable
- Colors are unusable
- Navigation may be difficult/confusing
Video

Surfing the Web with a Screen Reader

Kyle Woodruff

People with Low Vision

- May use screen magnification software
- Only a small portion of the screen is seen at a time
  - Images, photos and graphics may become unusable when enlarged
  - Navigation may be difficult/confusing if it occurs in multiple locations along the outer edges of the web page
Color Blindness

- Approximately 8-10% of the male population and about 0.5% of the female population experience some form of color deficiency.

- Reds and greens are often indistinguishable
- Other colors may be indistinguishable
People with Mobility Impairments

- May use only the keyboard for navigation
- May tire quickly
- May not have fine motor control when using a mouse

✓ All content must be accessible from the keyboard
✓ Lengthy navigation may cause fatigue
✓ Small or moving links are difficult to select

Mobility Impairments: Assistive Technology

- Head wand
- Mouth stick
- Adaptive Keyboard
Video
Video from Web Access Toolkit

Mobility Impairment

Gordon Richins

People who are Deaf or Hard of Hearing

Access Considerations

✓ Video clips that include audio are unusable
✓ Audio clips are unusable

Video
Deafness and Hard of Hearing

interpreter: Jonathan Webb
Curtis Radford
People with Cognitive Impairments

- May be easily distracted
- Complex layouts may lead to confusion
- Text-only content may be limiting

- Animated images may be distracting
- May be difficult to identify important content on a busy page
- Use graphics when they support content
- Use recognizable key words
People with Photosensitive Epilepsy

- Strobe or flickering content may cause seizures
- Avoid causing the screen to flicker with a frequency greater than 2 Hz and lower than 55 Hz
Episode 12 Resources: Web Accessibility

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Getting Started with Web Accessibility

  Web Accessibility Initiative (WAI) of the World Wide Web Consortium (W3C)
  The W3C Web Accessibility Initiative develops strategies, guidelines, and resources to help
  make the Web accessible to people with disabilities.
  • Getting Started with Web Accessibility – Using the Web and Accessibility Basics
    Link: w3.org/WAI/gettingstarted/Overview.html
  • W3C Web Content Accessibility Guidelines (WCAG) 2.0
    Link: w3.org/TR/WCAG20
  • How to Meet W3C Web Content Accessibility Guidelines 2.0 - Quick Reference
    Link: w3.org/WAI/WCAG20/quickref
  • W3C Web Accessibility Initiative Resources
    Link: w3.org/WAI/Resources

• Designing for Disabilities: Section 508 Accessibility for Beginners
  An introduction to Section 508 accessibility requirements for Federal agencies and other
  federally funded organizations.
  Source: Sitepoint
  Link: sitepoint.com/designing-disabilities-section-508-international-accessibility-compliance-beginners/
Policy and Related Information

- **Website Accessibility under Title II of the ADA**
  The Department of Justice (DOJ) ADA Best Practices Tool Kit for State and Local Governments discusses how Title II of the Americans with Disabilities Act applies to state and local government websites.
  
  **Source:** Department of Justice
  
  **Link:** ada.gov/pctoolkit/chap5toolkit.htm

- **Checklists for Section 508 from U.S. Department of Health and Human Services**
  Checklists for creating accessible documents, including Word, Excel PowerPoint HTML (webpage) and Multimedia files.
  
  **Source:** U.S. Department of Health and Human Services
  
  **Link:** hhs.gov/web/508/accessiblefiles/checklists.html

- **Section508.gov - Opening Doors to IT**
  Resources for understanding and implementing Section 508.

  **Source:** Section 508 of the US Rehabilitation Act
  
  **Link:** section508.gov

- **U.S. Access Board - About the Section 508 Standards for Electronic and Information Technology Accessibility**

  **Source:** U.S. Access Board

  **Link:** access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards

- **U.S. Access Board - Section 508 Guidelines for Web-based Information and Applications**

  **Source:** U.S. Access Board

  **Link:** access-board.gov/sec508/guide/1194.22.htm

Organizations and Technical Assistance

- **Web Accessibility in Mind (WebAIM)**
  Renown organization on web accessibility. Extensive resources, blog, newsletter and tutorials on their website. Services provided include: accessibility training, technical assistance, accessible site certification, evaluation and reporting.
  
  **Source:** Web Accessibility in Mind (WebAIM)
  
  **Link:** webaim.org

- **The Web Design Group (WDG)**
  A range of free technical specification references for HTML authoring plus online checking tools for verifying compatibility with relevant web design standards.

  **Source:** The Web Design Group (WDG)
  
  **Link:** htmlhelp.com

- **Universal Design Guidelines and Standards for Information and Communication Technology (ICT)**
  A plain English interpretation of the W3C guidelines together with the reasons behind why each checkpoint is important.
Source: Centre for Excellence in Universal Design
Link: universaldesign.ie/guidelinesampstandards/ict

- **Usability Guidelines for Accessible Web Design**
  A free report that presents techniques and design guidelines for creating websites for people who use assistive technology for browsing websites, including supplemental discussions, screenshots and photographs. Developed by the Nielsen Norman Group (NN/g) which provides articles, news, and evidence-based user experience research, training, and consulting on accessibility and usability.
  Source: Nielsen Norman Group (NN/g)
  Link: nngroup.com/reports/usability-guidelines-accessible-web-design/

- **Juicy Studio**
  Users can access free accessibility tools such as a readability test, a luminosity color contrast analyzer, and an image analyzer. Juicy Studio also features articles about best practices in web development, with accessibility as a prime focus.
  Source: Juicy Studio
  Link: juicystudio.com/services.php

### Accessibility Evaluation Tools

**Checklists for manual tests**

- **Section 508 Checklist from WebAIM**
  Source: Web Accessibility in Mind (WebAIM).
  Link: webaim.org/standards/508/checklist

- **Manual Evaluation Checklist for Web Accessibility**
  Source: California State University, Los Angeles (CAL State LA).
  Link: web.calstatela.edu/accessibility/manual.php

- **Section 508 Manual Website Evaluation**
  Source: California State University (CSU) – Accessible Technology Initiative.
  Link: calstate.edu/Accessibility/webaccessibility/evaluation/index.shtml

**Tools for automatic checking**

- **Complete List of Web Accessibility Evaluation Tools**
  Source: W3C - Web Accessibility Initiative.
  Link: w3.org/WAI/ER/tools/complete.html

- **Web Development Tools at UTest.com**
  Comprehensive list of Web development testing tools from accessibility to validation.
  Source: UTest
  Link: uittest.com

- **WAVE — Web Accessibility Evaluation Tool**
  Source: Web Accessibility in Mind (WebAIM)
  Link: wave.webaim.org

- **Cynthia Says™ from HiSoftware®**
  Free online service that checks one webpage and generates a report based on conformance to Section 508 or the W3C Web Content Accessibility Guidelines (WCAG).
Source: HiSoftware
Link: cynthiasays.com

- **AMP Express**
  Free online service that checks up to 10 pages of a website and generates a report based on conformance to Section 508 and the W3C Web Content Accessibility Guidelines (WCAG).
  Source: SSB Bart Group
  Link: amp.ssbartgroup.com/express

- **Web Accessibility Toolbar (WAT) for Internet Explorer**
  Free tool that assists in evaluating a webpage for compliance to the W3C Web Content Accessibility Guidelines version 2.0 (WCAG 2.0)
  Source: The Paciello Group
  Link: paciellogroup.com/resources/wat/

- **Photosensitive Epileptic Analysis Tool (PEAT)**
  Free tool to check whether animations or video in web content is likely to cause seizures.
  Source: TRACE Center University of Wisconsin/ Madison
  Link: trace.wisc.edu/peat

- **Color Contrast Checker**
  Source: Web Accessibility in Mind (WebAIM)
  Link: webaim.org/resources/contrastchecker

- **Check My Colours - Color Contrast**
  Free online tool to check the contrast between foreground and background colors.
  Source: Developed by Giovanni Scala
  Link: checkmycolours.com

- **Color Blind Web Page Filter**
  Free online tool that allows you to see how a webpage may appear to individuals who have color-blindness.
  Source: Aware Color Lab
  Link: colorfilter.wickline.org

- **Readability Test**
  Free online tool to help check the reading level of a website.
  Source: Juicy Studio
  Link: juicystudio.com/services/readability.php

- **WebAnywhere- Virtual Screen Reader**
  Using WebAnywhere you can interact with the web in a similar way as other screen readers, such as JAWS or Window-Eyes.
  Source: University of Washington Computer Science & Engineering
  Link: wa.cs.washington.edu

- **Image Analyser**
  Free online tool to help check the images on a webpage for accessibility issues.
  Source: Juicy Studio.
  Link: juicystudio.com/services/image.php
Training Resources

- **Accessible Technology On-Line Webinar Series**
  A series of webinars to increase awareness of technology accessibility for people with disabilities. Sponsored by the Great Lakes ADA Center, a member of the ADA National Network. The sessions are 90 minutes in length. Real-Time captioning is available for each session and will be broadcast via the webinar platform. A telephone option for receiving audio is also available (non-toll free number).
  **Source:** Great lakes ADA Center
  **Link:** ada-audio.org/Webinar/AccessibleTechnology/Schedule

- **Section 508 Best Practices Webinar Series**
  A series of webinars that address a variety of issues associated with ensuring federal agencies have the knowledge to meet their obligations under Section. Co-sponsored by the ADA National Network, the U.S Access Board, the Accessibility Committee of the CIO Council, and eFedLink/ODEP. The sessions are 90 minutes in length. Real-Time captioning and Video Sign Language Interpreter are available for each session and will be broadcast via the webinar platform. A telephone option for receiving audio is also available (non-toll free number).
  **Source:** ADA National Network, the U.S Access Board, the Accessibility Committee of the CIO Council, and eFedLink/ODEP
  **Link:** adaconferences.org/CIOC

- **Accessible Technology in the Workplace**
  Resources, news and frequently asked questions on accessible technology, assistive technology, and the use of information technology that is universally accessible. Developed by the Pacific ADA Center and Great Lakes ADA Center, both are members of the ADA National Network.
  **Source:** Pacific ADA Center and Great Lakes ADA Center
  **Link:** accessibleitech.org

- **EASI: Equal Access to Software and Information Webinars**
  A non-profit organization that offers webinars and courses on a variety of accessibility-related topics.
  **Source:** EASI: Equal Access to Software and Information
  **Link:** easi.cc/clinic.htm

- **Section 508 Universe Training**
  A central hub for U.S. General Service Administration's (GSA) Section 508 training and information resources, including topic-specific courses that address Section 508 implementation as well as Web links and a glossary of 508-related terms.
  **Source:** U.S. General Service Administration's Section 508
  **Link:** training.section508.gov

- **Web Accessibility 101 Video Series**
  A YouTube video series from the SSB BART Group that features introductory level videos demonstrating assistive technology and common accessibility challenges.
  **Source:** SSB Bart Group
  **Link:** youtube.com/channel/UCMaj9TLWOF6fx-bFdapY1AA
Tutorials and Courses

- **How-To Guide for Creating Accessible Online Learning Content**
  This online guide, Web Accessibility for Online Learning, explores accessibility issues and provides straightforward advice and guidance about creating usable content whether you are a novice or advanced author of course content.
  **Source:** CANnet
  **Link:** projectone.cannect.org

- **How to Make a Website More Accessible**
  **Source:** Online Web Design Degree.
  **Link:** onlinewebdesigndegree.com/resources/how-to-make-a-website-more-accessible

- **Dive into Accessibility: 30 days to a more accessible web site**
  Online book which discusses accessible design issues and techniques.
  **Source:** Mark Pilgrim
  **Link:** diveintoaccessibility.info

- **Web Accessibility for Section 508 Tutorial**
  **Source:** JimThatcher.com.
  **Link:** jimthatcher.com/webcourse1.htm

- **WCAG 2.0 tutorial- Web accessibility made easy**
  Online tutorial that introduces and summarizes the W3C Web Content Accessibility Guidelines and its four principles:
  1) Perceivable, 2) Operable, 3) Understandable, 4) Robust.
  **Source:** Olga Revilla
  **Link:** oneguidelinedaday.com

- **Introduction to Web Accessibility Course**
  In this online course you will discover fast and simple ways to make websites more accessible and tools using Google Chrome extensions that allow you to easily inspect accessibility.
  **Source:** Google Accessibility
  **Link:** webaccessibility.withgoogle.com/course
Excerpt from SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND PENNINGTON COUNTY, SOUTH DAKOTA UNDER THE AMERICANS WITH DISABILITIES ACT --DJ# 204-69-49 http://www.ada.gov/pennington_co/pennington_sa.html

B. JURISDICTION

The ADA applies to Pennington County because it is a "public entity" as defined by title II. 42 U.S.C. § 12131(1).

The United States is authorized under 28 C.F.R. Part 35, Subpart F, to determine the compliance of Pennington County with title II of the ADA and the Department of Justice's title II implementing regulation, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance agreements. Furthermore, the Attorney General is authorized, under 42 U.S.C. § 12133, to bring a civil action enforcing title II of the ADA.

I. WEB-BASED SERVICES AND PROGRAMS

37. Within twelve (12) months of the effective date of this agreement, the County will retain an independent consultant, approved by the United States, who is knowledgeable about accessible website development, Title III of the ADA, and WCAG 2.0 to evaluate Pennington County's website and any proposed online services for compliance with the ADA and, at minimum, WCAG 2.0 Level A and Level AA Success Criteria and other Conformance Requirements (WCAG 2.0 AA), and who shall be responsible for the annual website accessibility evaluation. Pennington County will bear all costs and expenses of retaining and utilizing this independent consultant, including the costs and expenses of any staff. Pennington County will compensate this independent consultant without regard to the outcome.

38. Within twelve (12) months of the effective date of this Agreement, and annually thereafter, Pennington County will:

   a. Adopt, implement, and post online a policy that its web pages will comply with WCAG 2.0 AA, published by the World Wide Web Consortium (W3C), Web Accessibility Initiative (WAI), available at www.w3.org/TR/WCAG;
b. Distribute the policy to all employees and contractors who design, develop, maintain, or otherwise have responsibility for its websites, or provide website content, technical support, or customer service;

c. Provide training to website content personnel on how to conform all web content and services with, at minimum, WCAG 2.0 AA, Title II of the ADA, and the terms of this Agreement;

39. Within thirty (30) months of the effective date of this Agreement, and annually thereafter, Pennington County will:

a. Incorporate provisions ensuring that all of Pennington County's webpage's comply with WCAG 2.0 AA into the performance evaluations of the web accessibility coordinator and all employees and contractors who design, develop, maintain, or otherwise have responsibility for its websites, or provide website content, technical support, or customer service;

b. Assess all existing web content and online services for conformance with, at minimum, WCAG 2.0 AA, by: (1) performing automated accessibility tests of its website and all online services, using an automated tool approved by the United States, to identify any accessibility barriers; and (2) enlisting individuals with different disabilities, including at a minimum individuals who are blind, deaf, and have physical disabilities (such as those limiting the ability to use a mouse), to test its pages for ease of use and accessibility barriers;

c. Provide a notice, prominently and directly linked from its homepage, instructing visitors to its websites on how to request accessible information. The link shall provide several methods to request accessible information, including an accessible form to submit feedback, an email address, and a toll-free phone
number (with TTY) to contact personnel knowledgeable about the accessibility of the website; and

d. Provide a notice, prominently and directly linked from its homepage, soliciting feedback from visitors to its websites on how to improve website accessibility. The link shall provide several methods to provide feedback, including an accessible form to submit feedback, an email address, and a toll-free phone number (with TTY) to contact personnel knowledgeable about the accessibility of the website.

40. Within thirty (30) months of the effective date of this Agreement, Pennington County will:

a. Ensure that its websites and all online services, including those websites or online services provided by third parties upon which Pennington County relies to provide services or content, comply with, at minimum, WCAG 2.0 AA; and

b. Assess all proposed online services before they are made available to the public for conformance with, at minimum, WCAG 2.0 AA, by: (1) performing automated accessibility tests, using an automated tool approved by the United States, to identify any accessibility barriers; and (2) enlisting individuals with different disabilities, including at a minimum individuals who are blind, deaf, and have physical disabilities (such as those limiting the ability to use a mouse), to test its pages for ease of use and accessibility barriers.
JEFFERSON COUNTY ELECTION COMMISSION  
P.O. Box 177  
Dandridge, Tennessee 37725  
Phone: 865-397-3440  
Fax: 865-397-5062  

Phyllis McCracken, Chairperson  
Betty Watkins, Secretary  
A.C. Carr, Member  

Carolyn Etherton, Member  
John (Jack) Kramer, Jr. Member  
Charles Gibson, AOE  

June 2, 2015  

State Election Commission  
Division of Elections  
312 Rosa L. Parks Avenue  
7th Floor, Snodgrass Tower  
Nashville, Tennessee 37243-0309  

Dear Sirs,  

I respectfully request to be excused from the annual State T.A.C.E.O. Seminar to be held June 7th-10th, 2015 in Nashville, TN. This request is due to medical reasons. Thank you.  

Sincerely,  

Charles R. Gibson  
Administrator of Elections  
Jefferson County
July 8, 2015

State Election Commission
Division of Elections
312 Rosa L. Parks Avenue
7th Floor, Snodgrass Tower
Nashville, Tennessee 37243

Dear Commissioners,

We, the Hamilton County Election Commission (HCEC), are writing to express our full support for the permanent approval of our utilization of Provisional Ballot Bags. Since 2012, the State Election Commission has approved temporary usage on three occasions subject to re-approval in subsequent election cycles. The safety, security, and durability of Hamilton County’s uniquely designed bag make it far superior to any other ballot bag on the market.

In 2006 Administrator Bud Knowles sought an alternative to the heavy, cumbersome, and often destructive metal provisional ballot boxes that are deployed to all of Hamilton County’s polling sites. Administrator Knowles, in collaboration with bank security bag provider A. Rifkin Co., custom designed a thick, rugged canvas ballot bag with a modified locking mechanism to include at least the minimum number of locks and seals required by state election law. The locking system includes a heavy duty master lock, along with a third security seal. Rifkin also incorporated a baffle inside the deposit slot making it virtually impossible to extract a provisional ballot without breaking three(3) seals and two(2) locks.

Upon review of Administrator Knowles’ proposal, the HCEC received the full support of then-State Election Coordinator Brooke Thompson to transition to provisional ballot bags on a pilot project basis. In fact, Coordinator Thompson provided federal HAVA funds for Hamilton County to proceed with the purchase. At the 2015 TACEO summer seminar it became apparent that Hamilton County has been mistakenly linked to a substandard ballot bag manufactured by PrintElect. State Election Coordinator Mark Goins demonstrated how the PrintElect bag was easily compromised and the contents altered without breaking a seal or destroying a lock. Frankly, there is no comparison of the substandard PrintElect bag to Hamilton County’s superior custom designed bag.
If this was intended to be a pilot project, we believe it is reasonable to affirm the HCEC has demonstrated success. In 25 elections over the last 9 years, we have successfully deployed provisional ballot bags to all 130 voting precincts without incident. We recognize that meeting our mission of conducting fair and impartial elections is contingent on the integrity of every ballot cast. We have established extraordinary security measures above and beyond what is required by law, and we respectfully request the State Election Commission permanently approve the Hamilton County Election Commission’s Provisional Ballot Bag.

Sincerely,

Michael S. Walden, Chairman
Hamilton County Election Commission

Jerry Summers, Secretary

Ruth Bray

Chris Clem

Kelvin Scott
Sunset Public Hearing Questions for
STATE ELECTION COMMISSION
Created by Section 2-11-101, Tennessee Code Annotated
(Sunset Termination June 2016)

1. Provide a brief introduction to the State Election Commission, including information about its purpose, statutory duties, and staff.

2. What is the role of the Coordinator of Elections and what is the relationship between the coordinator and the commission?

3. Provide a list of current members of the commission and describe how membership complies with Sections 2-11-102, 103, 104, and 112, Tennessee Code Annotated. Are there any vacancies on the commission? If yes, what is being done to fill those vacancies?

4. How many times did the commission meet in fiscal years 2014 and 2015? How many members were present at each meeting?

5. What were the commission’s revenues (by source) and expenditures (by object) for fiscal year 2014 and 2015?

6. What compensation is paid to commission members under the provisions of Section 2-11-107, Tennessee Code Annotated? What travel reimbursements do members receive? How much was paid to commission members in fiscal years 2014 and 2015?

7. What procedures does the commission have in place for the disclosure of conflicts of interest by staff members?

8. What were the major accomplishments of the commission during fiscal years 2014 and 2015?

9. What reports does the commission prepare on its operations, activities and accomplishments, and who receives these reports?

10. Describe the relationship between the State Election Commission and the county election commissions, including any issues that arise within that relationship.

11. Section 2-12-101(a), Tennessee Code Annotated, states that the State Election Commission appoints members of the various county election commissions. Other than the residency requirements in Section 2-12-102 of the code, what criteria are used in appointing members to the county election commissions?

12. Section 2-12-101 (b), Tennessee Code Annotated, also gives the State Election Commission the power to remove or otherwise discipline members of the county election commissions. How many county election commissioners have been disciplined or removed during the last two fiscal years and what was the basis for the disciplinary action(s) taken?
13. Where do the powers and duties of the Coordinator of Elections and the State Election Commission intersect and how do the two entities function in relationship to each other?

14. Is the commission subject to Sunshine law requirements (per Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of its meetings and making its minutes available to the public?

15. Describe any items related to the commission that require legislative attention and your proposed legislative changes.

16. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare?

17. Has the commission developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the commission has developed and implemented quantitative performance measures, answer questions 18 through 25. If the commission has not developed quantitative performance measures, proceed directly to question 26.

18. What are your key performance measures for ensuring the commission is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

19. What aspect[s] of the program are you measuring?

20. Who collects relevant data and how is this data collected (e.g., what types of information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.

21. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

22. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

23. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.
24. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

25. Describe any concerns about the commission’s performance measures and any changes or improvements you think need to be made in the process.

26. Please list all commission programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

If the commission does receive federal assistance, please answer questions 27 through 34. If the commission does not receive federal assistance, proceed directly to question 33.

27. Does the commission prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

28. Does the commission have a Title VI coordinator? If yes, please provide the Title VI coordinator’s name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

29. To which state or federal agency (if any) does the commission report concerning Title VI? Please describe the information your commission submits to the state or federal government and/or provide a copy of the most recent report submitted.

30. Describe the commission’s actions to ensure that association staff and clients/program participants understand the requirements of Title VI.

31. Describe the commission’s actions to ensure it is meeting Title VI requirements. Specifically, describe any commission monitoring or tracking activities related to Title VI, and how frequently these activities occur.

32. Please describe the commission’s procedures for handling Title VI complaints. Has the commission received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint’s current status).

33. Please provide a breakdown of current commission staff by title, ethnicity, and gender.

34. Please list all commission contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Composite Abstract</th>
<th>Last Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB0840</td>
<td>Election Laws - As introduced, allows counties to participate in a pilot project for establishing convenient voting centers for use on election day upon super majority vote of the county election commission. - Amends TCA Title 2, Chapter 3.</td>
<td>SB0840: Sponsor(s) Added.</td>
<td>3/25/2015</td>
</tr>
<tr>
<td>HB1352</td>
<td>Election Laws - As introduced, authorizes a referendum in order to renew the contract of a director of schools. - Amends TCA Title 49.</td>
<td>HB1352: Taken off notice for cal in s/c Local Government Subcommittee of Local Government Committee</td>
<td>03/25/2015</td>
</tr>
<tr>
<td>SB1291</td>
<td>Election Laws - As introduced, authorizes a referendum in order to renew the contract of a director of schools. - Amends TCA Title 49.</td>
<td>SB1291: Assigned to General Subcommittee of Senate Education Committee</td>
<td>4/1/2015</td>
</tr>
<tr>
<td>HB1189</td>
<td>Election Laws - As introduced, authorizes a referendum in order to renew the contract of a director of schools. - Amends TCA Title 49.</td>
<td>HB1189: Action Def. in s/c Education Administration &amp; Planning Subcommittee to 2016</td>
<td>03/24/2015</td>
</tr>
<tr>
<td>SB0658</td>
<td>Election Laws - As introduced, authorizes any person over the age of 17 by election day to serve as a poll watcher or poll worker, provided, that the person has not been convicted of violation of any election law. - Amends TCA Title 2.</td>
<td>Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/18/2015</td>
</tr>
<tr>
<td>SB0739</td>
<td>Election Laws - As introduced, closes public schools on any day on which a primary election, general election, or special election is held throughout the state or school district. - Amends TCA Title 49, Chapter 6, Part 30.</td>
<td>SB0739: Assigned to General Subcommittee of Senate Education Committee</td>
<td>4/1/2015</td>
</tr>
<tr>
<td>HB0668</td>
<td>Election Laws - As introduced, closes public schools on any day on which a primary election, general election, or special election is held throughout the state or school district. - Amends TCA Title 49, Chapter 6, Part 30.</td>
<td>HB0668: Taken off notice for cal in s/c Education Administration &amp; Planning Subcommittee of Education Administration &amp; Planning</td>
<td>03/31/2015</td>
</tr>
<tr>
<td>SB0779</td>
<td>Election Laws - As introduced, creates term of office for county administrator of elections to coincide with the term of the county election commission; allows county election commission to consider political party affiliation when appointing an administrator of elections. - Amends TCA Title 2, Chapter 12.</td>
<td>SB0779: Rcvd. from S., held on H. desk.</td>
<td>3/23/2015</td>
</tr>
<tr>
<td>HB1350</td>
<td>Election Laws - As introduced, creates term of office for county administrator of elections to coincide with the term of the county election commission; allows county election commission to consider political party affiliation when appointing an administrator of elections. - Amends TCA Title 2, Chapter 12.</td>
<td>HB1350: Failed in Local Government Committee</td>
<td>03/31/2015</td>
</tr>
<tr>
<td>SB0553</td>
<td>Election Laws - As introduced, decreases, from three to two and one-half hours, the amount of time a person may be absent from employment to vote on election day without any penalty or reduction in pay; revises an exception to the absence authorization to coincide with reduction in time. - Amends TCA Title 2 and Title 3.</td>
<td>SB0553: Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/12/2015</td>
</tr>
<tr>
<td>HB0510</td>
<td>Election Laws - As introduced, decreases, from three to two and one-half hours, the amount of time a person may be absent from employment to vote on election day without any penalty or reduction in pay; revises an exception to the absence authorization to coincide with reduction in time. - Amends TCA Title 2 and Title 3.</td>
<td>HB0510: Assigned to s/c Local Government Subcommittee</td>
<td>02/18/2015</td>
</tr>
<tr>
<td>SB0971</td>
<td>Election Laws - As introduced, enacts the &quot;Local Political Party Financial Management Act.&quot; - Amends TCA Title 2, Chapter 10 and Title 2, Chapter 13.</td>
<td>SB0971: Assigned to General Subcommittee of Senate State and Local Government Committee</td>
<td>4/6/2015</td>
</tr>
<tr>
<td>HB1143</td>
<td>Election Laws - As introduced, enacts the &quot;Local Political Party Financial Management Act.&quot; - Amends TCA Title 2, Chapter 10 and Title 2, Chapter 13.</td>
<td>HB1143: Taken off notice for cal in s/c Local Government Subcommittee of Local Government Committee</td>
<td>04/01/2015</td>
</tr>
<tr>
<td>SB1068</td>
<td>Election Laws - As introduced, increases, from 15 days to 30 days, the amount of time in which to cure a defect in the documentation required to initiate a petition for a recall election. - Amends TCA Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 17; Title 18 and Title 49.</td>
<td>SB1068: Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/18/2015</td>
</tr>
<tr>
<td>HB0688</td>
<td>Election Laws - As introduced, increases, from 15 days to 30 days, the amount of time in which to cure a defect in the documentation required to initiate a petition for a recall election. - Amends TCA Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 17; Title 18 and Title 49.</td>
<td>HB0688: Assigned to s/c Local Government Subcommittee</td>
<td>02/19/2015</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Composite Abstract</td>
<td>Last Action</td>
<td>Date</td>
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<tr>
<td>SB1253by Yarbro</td>
<td>Election Laws - As introduced, lengthens voter registration period to 15 days before an election instead of 30 days before an election. - Amends TCA Title 2.</td>
<td>Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/18/2015</td>
</tr>
<tr>
<td>SB0552by Niceley</td>
<td>Election Laws - As introduced, modifies the composition of the members of the board from nine appointed members to nine members elected by the people during the regular November elections, authorizes the governor to fill any vacancies on the board, subject to confirmation by the senate. - Amends TCA Title 2 and Title 49.</td>
<td>SB0552: Assigned to General Subcommittee of Senate Education Committee</td>
<td>4/1/2015</td>
</tr>
<tr>
<td>HB0663by Alexander</td>
<td></td>
<td>HB0663: Taken off notice for cal in s/c Education Administration &amp; Planning Subcommittee of Education Administration &amp; Planning</td>
<td>03/24/2015</td>
</tr>
<tr>
<td>SB1210by Yarbro</td>
<td>Election Laws - As introduced, permits any registered Tennessee voter to vote absentee for any reason after providing evidence of identification in the application for a ballot, exempts certain absentee voters from the evidence of identification requirement under certain circumstances. - Amends TCA Title 2.</td>
<td>SB1210: Action deferred in Senate Finance, Ways, and Means Committee to 4/22/2015</td>
<td>4/21/2015</td>
</tr>
<tr>
<td>HB0553by Fitzhugh</td>
<td></td>
<td>HB0553: Taken off notice for cal in s/c Finance, Ways &amp; Means Committee</td>
<td>04/21/2015</td>
</tr>
<tr>
<td>SB1126by Yarbro</td>
<td>Election Laws - As introduced, permits the use of a photo identification card issued by this state, the United States, or an accredited postsecondary institution of education in this state for purposes of verifying the identity of an eligible voter. - Amends TCA Title 2, Chapter 7.</td>
<td>SB1126: Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/18/2015</td>
</tr>
<tr>
<td>HB0926by Hardaway</td>
<td></td>
<td>HB0926: Failed in s/c Local Government Subcommittee of Local Government Committee</td>
<td>03/25/2015</td>
</tr>
<tr>
<td>SB0138by Tate</td>
<td>Election Laws - As introduced, prohibits a person or organization distributing or causing to be distributed a sample ballot from using the name of any statewide political party on such ballot without written permission from the statewide political party. - Amends TCA Title 2, Chapter 10 and Title 2, Chapter 19.</td>
<td>SB0138: Rcvd. from S., held on H. desk,</td>
<td>3/26/2015</td>
</tr>
<tr>
<td>HB0916by Faison</td>
<td></td>
<td>HB0916: Def. to Summer Study</td>
<td>03/31/2015</td>
</tr>
<tr>
<td>SB0430by Briggs</td>
<td>Election Laws - As introduced, prohibits the transfer of postage, printing, and office supply funds between members of the general assembly; limits a member's account balance of funds allotted for postage, printing, and office supply expenses to the total cumulative amount the member receives in the preceding five years. - Amends TCA Title 3, Chapter 1, Part 1.</td>
<td>SB0430: Assigned to General Subcommittee of Senate State and Local Government Committee</td>
<td>3/17/2015</td>
</tr>
<tr>
<td>HB0215by Daniel</td>
<td></td>
<td>HB0215: Taken off notice for cal in s/c State Government Subcommittee of State Government Committee</td>
<td>03/25/2015</td>
</tr>
<tr>
<td>SB0038by Kelsey</td>
<td>Election Laws - As introduced, removes prohibition on treasurer signing campaign finance disclosure statements as a witness. - Amends TCA Title 2 and Title 3.</td>
<td>SB0038: Assigned to General Subcommittee of Senate State and Local Government Committee</td>
<td>4/8/2015</td>
</tr>
<tr>
<td>HB0602by Durham</td>
<td></td>
<td>HB0602: Action Def. in s/c Local Government Subcommittee to 2016</td>
<td>04/01/2015</td>
</tr>
<tr>
<td>SB0947by Yarbro</td>
<td>Election Laws - As introduced, removes references to the Votomatic punch card voting system. - Amends TCA Title 1; Title 2 and Title 3.</td>
<td>SB0947: Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/18/2015</td>
</tr>
<tr>
<td>HB1065by Jernigan</td>
<td></td>
<td>HB1065: Assigned to s/c Local Government Subcommittee</td>
<td>02/24/2015</td>
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<tr>
<td>Bill Number</td>
<td>Composite Abstract</td>
<td>Last Action</td>
<td>Date</td>
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<tr>
<td>SB0654 by Kyle</td>
<td>Election Laws - As introduced, removes requirement that a person must pay outstanding child support obligations that accumulated during any period of incarceration to have right of suffrage restored. Amends TCA Title 40, Chapter 29, Part 2.</td>
<td>SB0654: Action deferred in Senate Judiciary Committee to 1/12/2016</td>
<td>4/8/2015</td>
</tr>
<tr>
<td>HB0852 by Turner</td>
<td></td>
<td>HB0652: Re-ref. Local Government Committee</td>
<td></td>
</tr>
<tr>
<td>SB0970 by Kelsey</td>
<td>Election Laws - As introduced, requires a person making disbursement for electioneering communication to electronically file the report with the registry of election finance within 24 hours; defines &quot;electioneering communication.&quot; Amends TCA Title 2, Chapter 10.</td>
<td>SB0970: Assigned to General Subcommittee of Senate State &amp; Local Government Committee</td>
<td>3/25/2015</td>
</tr>
<tr>
<td>HB1138 by Lynn</td>
<td></td>
<td>HB1138: Assigned to s/c Local Government Subcommittee</td>
<td>02/24/2015</td>
</tr>
<tr>
<td>SB1188 by Beavers</td>
<td>Election Laws - As introduced, requires a person to declare a statewide political party affiliation before voting in a primary election. Amends TCA Title 2.</td>
<td>SB1188: Assigned to General Subcommittee of Senate State and Local Government Committee</td>
<td>03/26/2015</td>
</tr>
<tr>
<td>HB0939 by Matheny</td>
<td></td>
<td>HB0939: Taken off notice for cal in s/c Local Government Subcommittee</td>
<td>03/25/2015</td>
</tr>
<tr>
<td>SB1219 by Bell</td>
<td>Election Laws - As introduced, requires a summary of a constitutional amendment to precede the question on the ballot instead of requiring a summary for only those questions exceeding 300 words in length. Amends TCA Section 2-5-208.</td>
<td>SB1219: Rcvd. from S., held on H. desk.</td>
<td>4/6/2015</td>
</tr>
<tr>
<td>HB0681 by VanHuss</td>
<td>Election Laws - As introduced, requires certain counties to act upon request for voter registration lists within seven business days instead of seven days; allows reasons for rejection or modification of the request to be sent via electronic mail or facsimile transmission. Amends TCA Title 2, Chapter 2.</td>
<td>HB0681: Action Def. in s/c Finance, Ways &amp; Means Subcommittee to 1/1/2016</td>
<td>4/21/2015</td>
</tr>
<tr>
<td>SB0906 by Watson</td>
<td></td>
<td>SB0906: Sponsor(s) Added.</td>
<td>4/1/2015</td>
</tr>
<tr>
<td>HB0797 by Matlock</td>
<td>Election Laws - As introduced, requires election officials to inspect filings for sufficiency and timeliness; establishes conclusive presumption that accepted filings are sufficient and timely filed. Amends TCA Title 2.</td>
<td>HB0797: Assigned to s/c Local Government Subcommittee</td>
<td>02/19/2015</td>
</tr>
<tr>
<td>SB0843 by Yager</td>
<td>Election Laws - As introduced, requires election officials to inspect filings for sufficiency and timeliness; establishes conclusive presumption that accepted filings are sufficient and timely filed. Amends TCA Title 2.</td>
<td>SB0843: Passed on Second Consideration, refer to Senate State and Local Government Committee</td>
<td>2/19/2015</td>
</tr>
<tr>
<td>HB0303 by Wirgau</td>
<td></td>
<td>HB0303: Assigned to s/c Local Government Subcommittee</td>
<td>02/11/2015</td>
</tr>
<tr>
<td>SB0826 by Yager</td>
<td>Election Laws - As introduced, requires election officials to inspect filings for sufficiency and timeliness; establishes conclusive presumption that accepted filings are sufficient and timely filed. Amends TCA Title 2.</td>
<td>SB0826: Assigned to General Subcommittee of Senate State and Local Government Committee</td>
<td>4/6/2015</td>
</tr>
<tr>
<td>HB0463 by Ramsey</td>
<td></td>
<td>HB0463: Taken off notice for cal in s/c Local Government Subcommittee</td>
<td>04/01/2015</td>
</tr>
<tr>
<td>SB1116 by Yarbrow</td>
<td>Election Laws - As introduced, requires state election commission to provide online voter registration through the secretary of state's website. Amends TCA Title 2, Chapter 2.</td>
<td>SB1116: Action deferred in Senate State and Local Government Committee to 3/24/2015</td>
<td>3/17/2015</td>
</tr>
<tr>
<td>HB0831 by Turner</td>
<td></td>
<td>HB0831: Taken off notice for cal in s/c Local Government Subcommittee</td>
<td>03/25/2015</td>
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</tbody>
</table>
State of Tennessee

PUBLIC CHAPTER NO. 20

SENATE BILL NO. 62

By Kelsey, Ketron

Substituted for: House Bill No. 649

By Wilburn

AN ACT to amend Tennessee Code Annotated, Section 2-13-305, relative to nominating petitions for delegates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-13-305(b)(1), is amended by deleting the language "one hundred (100)" and substituting instead the language "twenty-five (25)".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 24

SENATE BILL NO. 116

By Norris, Crowe, Bowling, Ketron, Watson

Substituted for: House Bill No. 105

By McCormick, Kevin Brooks, Spivey

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, for the sole purpose of changing the name of the Tennessee department of veterans' affairs to the department of veterans services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 25, is amended by deleting the language "veterans' affairs" wherever the language appears, except in Section 4-3-2503, and substituting instead the language "veterans services".

SECTION 2. Tennessee Code Annotated, Section 4-3-2503, is amended by deleting the section in its entirety and substituting instead the following:

The department of veterans services and the commissioner of veterans services are vested with all the authority, powers, and duties formerly imposed upon the staff division of veterans' affairs and the director of the department of veterans' affairs and as prescribed in title 58, chapter 3.

SECTION 3. Tennessee Code Annotated, Section 4-3-101(24), is amended by deleting the language "veterans' affairs" and substituting instead the language "veterans services".

SECTION 4. Tennessee Code Annotated, Section 4-3-111(22), is amended by deleting the language "veterans' affairs" and substituting instead the language "veterans services".

SECTION 5. Tennessee Code Annotated, Section 4-3-104(m), is amended by deleting the subsection in its entirety and substituting instead the following:

(m) References to the staff division of veterans' affairs and references to the department of veterans' affairs are deemed references to the department of veterans services.

SECTION 6. Tennessee Code Annotated, Section 4-3-113(n), is amended by deleting the subsection in its entirety and substituting instead the following:

(n) References to the director of veterans' affairs and references to the commissioner of veterans' affairs are deemed references to the commissioner of veterans services.

SECTION 7. The Tennessee Code Commission is requested to change references in Tennessee Code Annotated, as volumes are replaced and supplements are issued, from "veterans' affairs" and "veterans affairs" to "veterans services" wherever the language appears in reference to the name or commissioner of the Tennessee department of veterans services.

SECTION 8. The department of veterans services may exhaust the existing stock of office products having the designation of the department or commissioner of veterans' affairs prior to ordering new office products having the designation authorized by this act.

SECTION 9. This act shall take effect July 1, 2015, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 38

SENATE BILL NO. 288

By Stevens

Substituted for: House Bill No. 653

By Wilburn

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 17, relative to the administration of oaths of office.

WHEREAS, it is the intention of the General Assembly for efficiency purposes to provide a uniform list of those individuals who may administer the oath to publicly elected officers; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-1-104, is amended by deleting the last sentence and substituting instead the following language:

The oath shall be administered in accordance with title 8 or any other applicable law.

SECTION 2. Tennessee Code Annotated, Section 8-18-107, is amended by deleting the last two sentences of the section and substituting instead the following language:

The governor or an active or retired supreme court justice may administer the oath to a supreme court justice. The governor, an active or retired supreme court justice, an active or retired inferior court judge, or an active or retired general sessions judge may administer the oath to an inferior court judge. Except as otherwise provided by law, the governor, an active or retired supreme court justice, an active or retired inferior court judge, or an active or retired general sessions judge may administer the oath to any elected or appointed official. The oath may be administered at any time after an appointment, in the case of appointed officials, or in the case of elected officials after the election, but before the judge or public official assumes office, so long as the results of the election establishing that the person taking the oath won the election are certified by the appropriate legal authority. Even though an official may file an oath before the scheduled start of a term of office, the official may not take office until the term officially begins.

SECTION 3. Tennessee Code Annotated, Section 8-18-109, is amended by deleting subsection (a) and substituting instead the following:

Judges of courts of general sessions, revenue commissioners, sheriffs, constables, and other officers whose general duties are confined to a single county, as well as retired supreme court justices and retired inferior court or general sessions judges, shall, unless it is otherwise provided, file such oaths and certificate in the office of the county clerk.

SECTION 4. Tennessee Code Annotated, Section 8-18-109(b), is amended by deleting the second sentence and substituting instead the following:

The oath may be administered at any time after an appointment, in the case of appointed officials, or in the case of elected officials after the election, but before the judge or public official assumes office, so long as the results of the election establishing that the person taking the oath won the election are certified by the appropriate legal authority.

SECTION 5. This act shall take effect July 1, 2015, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 50

SENATE BILL NO. 1356

By McNally

Substituted for: House Bill No. 469

By McCormick, Wrigau, Howell

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7, Part 5, relative to confidentiality of bank account information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new, appropriately designated subsection:

( ) Notwithstanding any provision to the contrary, any bank account information that is received, compiled, or maintained by a state governmental agency, shall be confidential and shall not be an open record for inspection by members of the public. The bank account information that shall be kept confidential includes, but is not limited to, debit card numbers and any related personal identification numbers (PINs) or authorization codes, bank account numbers, and transit routing numbers.

SECTION 2. Tennessee Code Annotated, Section 10-7-504(a)(19), is amended by deleting the subdivision in its entirety and substituting instead the following:

(19) Credit card account numbers and any related personal identification numbers (PIN) or authorization codes in the possession of the state or a political subdivision thereof shall be maintained as confidential and shall not be open for inspection by members of the public.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 177

HOUSE BILL NO. 817

By Representatives Cooper, Hardaway, Miller, Favors, Fitzhugh, Shepard

Substituted for: Senate Bill No. 733

By Senator Kyle

AN ACT to amend Tennessee Code Annotated, Title 2, relative to county election commissions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-12-117, is amended by adding the following language as a new subsection:

( ) If a county election commission develops and implements an Internet based electronic filing process pursuant to this section, then the county election commission shall notify the division of elections in the secretary of state's office at least ninety (90) days prior to its use.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
AN ACT to amend Tennessee Code Annotated, Section 49-6-6002, relative to testing schedules.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-6002(b), is amended by deleting the subsection in its entirety and substituting instead the following language:

(b) The commissioner of education shall establish a schedule for the administration of the Tennessee comprehensive assessment program assessments and meet the provisions of § 49-1-226. The commissioner shall have the authority to adjust the schedule for reasons including, but not limited to, natural disaster, prolonged inclement weather, or serious outbreaks of contagious illness.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 239

HOUSE BILL NO. 158

By Representative Casada

Substituted for: Senate Bill No. 183

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 19, Part 2; Title 49, Chapter 2 and Title 49, Chapter 5, relative to public school employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-19-201(2), is amended by deleting the punctuation ";" and substituting instead the following:

"Public lands, offices, buildings, vehicles, and facilities" include those owned and used by a local education agency (LEA);

SECTION 2. Tennessee Code Annotated, Section 2-19-201, is amended by adding the following language as a new, appropriately designated subdivision:

"Teacher" means any person employed in a public school system as a teacher, helping teacher, teacher's aide, librarian, principal, supervisor, director of schools, or member of the administrative staff;

SECTION 3. Tennessee Code Annotated, Section 2-19-201(3), is amended by deleting the language "teachers, as defined by § 49-1501,".

SECTION 4. Tennessee Code Annotated, Section 2-19-201(3), is further amended by deleting the punctuation ";" at the end of the first sentence in the subdivision and substituting instead "; including teachers.".

SECTION 5. Tennessee Code Annotated, Section 2-19-206, is amended by adding the following language as a new, appropriately designated subsection:

(d)

(1) Subsections (a), (b), and (c) shall not apply to teachers.

(2) It is unlawful for any teacher to display campaign literature, banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on behalf of any party, committee or agency, or candidate for partisan or nonpartisan public office elected by the people, on the premises of any building or land owned by a local education agency (LEA), or to use any of the facilities of the LEA, including equipment and vehicles, for such purposes. This subdivision (d)(2) does not apply to the display of campaign banners, placards, streamers, stickers, signs, or other items of campaign or political advertising on LEA-owned property or the use of LEA equipment, when the display or use is a part of and solely for the purpose of the LEA's program of student education relative to the electoral process. Except for the use of LEA-owned equipment and vehicles, this subdivision (d)(2) does not apply to a teacher during hours in which the teacher is not performing school duties.

(3) This subsection (d) shall not be construed to prohibit any teacher from displaying a decal or bumper sticker on the teacher's personal vehicle while the vehicle is parked on LEA property.
SECTION 6. Tennessee Code Annotated, Section 2-19-207(b)(2), is amended by deleting the language "persons duly qualified as candidates for public office and teachers, as defined by § 49-1501," and substituting instead "and persons duly qualified as candidates for public office."

SECTION 7. Tennessee Code Annotated, Section 2-19-207, is amended by adding the following language as a new subsection (c):

(c)

(1) Subsections (a) and (b) shall not apply to teachers.

(2) It is unlawful for any teacher employed by an LEA during those hours of the day when the LEA requires the teacher to be performing school duties to:

(A) Engage actively in a political campaign on behalf of any party, committee, organization, or agency;

(B) Engage in a campaign for a candidate for partisan or nonpartisan public office elected by the people;

(C) Attend political meetings or rallies;

(D) Use the teacher's employment to interfere with or affect the result of any regular or special primary election conducted within the state; or

(E) Perform political campaign duties or functions.

(3) Nothing in this subsection (c) shall be construed to deprive a teacher from voting for the party or candidate of the teacher's choice or to deprive the teacher of the right to express the teacher's personal opinion concerning any political subject, party, or candidate.

(4) A teacher on leave or during those hours in which the teacher is not required to be performing school duties is not subject to the restrictions in subdivision (c)(2). No policy or rule of an LEA shall be more restrictive of the political activity of a teacher on leave or during those hours in which the teacher is not required to be performing school duties than those restrictions set forth in this subsection (c).

SECTION 8. This act shall take effect July 1, 2015, the public welfare requiring it.
State of Tennessee
PUBLIC CHAPTER NO. 243

HOUSE BILL NO. 523

By Representatives Lollar, Carr
Substituted for: Senate Bill No. 979

By Senator Norris

AN ACT to amend Tennessee Code Annotated, Title 6, relative to the powers of the board of commissioners of any municipality that adopts a city manager-commission charter.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 20, Part 1, is amended by adding a new section:

(a) Subject to the further provisions of this section, the board of commissioners of any municipality incorporated under this charter that is located within a county that has adopted a charter form of government is authorized, upon its own initiative and upon the adoption of an ordinance by a two-thirds (2/3) vote at two (2) separate meetings, to establish term limits for the mayor and the board of commissioners of such municipality in such manner as shall be designated by the ordinance. The operation of the ordinance shall be subject to approval of the voters as required in subsection (b).

(b)

(1) Any ordinance to establish term limits for the mayor and board of commissioners of any municipality to which subsection (a) applies shall not become operative until approved in an election herein provided in the municipality. Upon the adoption of the ordinance, the mayor shall notify the county election commission to hold an election as provided in this subsection (b).

(2) After the receipt of a certified copy of such ordinance, the county election commission shall hold an election on the question pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the ordinance, and a majority vote of those voting in the election shall determine whether the ordinance is to be operative.

(3) If the majority vote is for the ordinance, it shall be deemed to be operative on the date that the county election commission makes its official canvass of the election returns; provided, however, that no term limits shall apply until the election of the mayor and board of commissioners held after the ordinance is operative.

(4) If the majority vote is against the ordinance, no further elections on the question of term limits shall be held until at least four (4) years have expired from the previous election and only after the board of commissioners adopts a new ordinance for such purposes in accordance with subsection (a).

(c) Any referendum required by this section may only be submitted to the voters at a regular August election, regular November election, or regularly scheduled municipal election.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.
State of Tennessee

PUBLIC CHAPTER NO. 252

HOUSE BILL NO. 1213

By Representative Doss

Substituted for: Senate Bill No. 1284

By Senator Hensley

AN ACT to amend Tennessee Code Annotated, Title 2; Title 6 and Title 7, relative to property rights voting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-20-106, is amended by adding the following language as a new subsection:

(f) 

(1) In any city incorporated under chapters 18–22 of this title having a population of not less than four hundred sixty (460) nor more than four hundred sixty-nine (469), according to the 2010 federal census or any subsequent federal census, registered voters who own real property located in any such city shall be entitled to vote in all municipal elections and municipal referenda held in such city; provided, that in cases of multiple ownership of real property, no more than two (2) owners who are registered voters shall be eligible to vote.

(2) Subdivision (f)(1) shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of commissioners of any city to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of the board and certified by the presiding officer to the secretary of state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 280

HOUSE BILL NO. 707

By Representatives Lundberg, Hardaway

Substituted for: Senate Bill No. 687

By Senator Yager

AN ACT to amend Tennessee Code Annotated, Title 3, Chapter 6, Part 3, relative to restrictions on lobbyists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-6-304(j), is amended by deleting the language "the governor or any member of the general assembly or any candidate for the office of governor, state senator or state representative" and substituting instead the language "the governor, any judge or chancellor, or any member of the general assembly, or any candidate for the office of governor, supreme court judge, court of appeals judge, court of criminal appeals judge, circuit court judge, chancellor, juvenile court judge, general sessions judge, state senator, or state representative".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 315

SENATE BILL NO. 597

By Kelsey

Substituted for: House Bill No. 988

By Littleton

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 7, Part 1, relative to the use of certain devices in polling places.

WHEREAS, the general assembly finds that Tennesseans are increasingly using their mobile electronic and communication devices to assist them in making election decisions; and

WHEREAS, the general assembly finds a voter’s nondisruptive efforts to obtain election information are to be encouraged; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 7, Part 1, is amended by adding the following as a new section thereto:

(a) A county election commission shall not prohibit a voter from using a mobile electronic or communication device at a polling place for informational purposes to assist the voter in making election decisions. A county election commission may require that any mobile electronic or communication device be silenced while in use at the polling place.

(b) Any voter using a mobile electronic or communication device as allowed in subsection (a) shall be prohibited from using the device for telephone conversations, recording, or taking photographs or videos while inside the polling place.

SECTION 2. This act shall take effect January 1, 2016, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 348

SENATE BILL NO. 209

By Niceley

Substituted for: House Bill No. 198

By Goins, Rogers

AN ACT to amend Tennessee Code Annotated, Title 55, relative to driver licenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-337, is amended by deleting subsection (a) and substituting instead the following:

(a) Every driver license issued by the department on or after January 1, 2016, shall be issued for a period of eight (8) years excluding Class P licenses, which shall expire one (1) year from the date of initial issuance. The commissioner may issue an initial license or renew a license that shall remain valid for three (3) to eight (8) years in order to transition licensees to an eight-year renewal cycle. License fees due under § 55-50-323 shall be prorated to reflect the appropriate fee for a renewal cycle of lesser length than eight (8) years; provided, that for Class D, Class M, and photo identification licenses, there shall be deducted from the gross prorated fee the amount of two dollars ($2.00).

SECTION 2. Tennessee Code Annotated, Section 55-50-323(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) The fees charged for eight-year driver licenses shall be as set by this subsection (a). For any license term other than eight (8) years, the fee shall be appropriately prorated; provided, that for Class D, Class M, and photo identification licenses, there shall be deducted from the gross prorated fee the amount of two dollars ($2.00).

SECTION 3. Tennessee Code Annotated, Section 55-50-323(a)(2), is amended by deleting subdivisions (A)–(D) and substituting instead the following:

(A) For Class A and renewal thereof, sixty-four dollars ($64.00) until canceled, revoked, suspended, or expired;

(B) For Classes B and C and renewal thereof, fifty-six dollars ($56.00) until canceled, revoked, suspended, or expired;

(C) For Class D and renewal thereof, twenty-six dollars ($26.00) until canceled, revoked, suspended, or expired;

(D) For Class M and renewal thereof, twenty-six dollars ($26.00) until canceled, revoked, suspended, or expired;

SECTION 4. Tennessee Code Annotated, Section 55-50-323(a)(2)(J)(i), is amended by deleting the language "seven dollars and fifty cents ($7.50)" and substituting instead the language "ten dollars ($10.00)", and by deleting the language "five-year" and substituting instead the language "eight-year".

SECTION 5. Tennessee Code Annotated, Section 55-50-323(c), is amended by deleting the language "five-year" and substituting instead the language "eight-year".

SECTION 6. Tennessee Code Annotated, Section 55-50-331(g), is amended by deleting the language "five (5) years" and substituting instead the language "eight (8) years".
SECTION 7. Tennessee Code Annotated, Section 55-50-332(b), is amended by deleting the subsection and substituting instead the following:

(b) Duplicate licenses obtained during the normal eight-year cycle shall expire eight (8) years from the date of issuance, excluding Class P licenses, which shall expire one (1) year from the date of issuance.

SECTION 8. This act shall take effect January 1, 2016, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 379

SENATE BILL NO. 674

By Dickerson

Substituted for: House Bill No. 701

By Faison

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 10, relative to digital currency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-10-102(4), is amended by adding the language "digital currency," between the language "payment," and "gift.".

SECTION 2. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following as a new section thereto:

(a) A candidate or political campaign committee is allowed to accept digital currency as a contribution. Digital currency shall be considered a monetary contribution with the value of the digital currency being the market value of the digital currency at the time the contribution is received.

(b) Any increase in the value of digital currency being held by a candidate or political campaign committee shall be reported as interest on any statement filed pursuant to § 2-10-105.

(c) A candidate or political campaign committee must sell any digital currency and deposit the proceeds from those sales into a campaign account before spending the funds.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.
AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 8 and Title 12, relative to local government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-20-101(c), is amended by deleting the language "An ordinance approved by the voters may not be repealed or amended."

SECTION 2. Tennessee Code Annotated, Section 6-20-101(c), is further amended by adding the following language at the end of the subsection:

Any city that has previously adopted an ordinance approved by the voters pursuant to this subsection (c) increasing the number of commissioners from three (3) to five (5), may, after six (6) years, adopt an ordinance to decrease the number of commissioners from five (5) to three (3) following the same procedure. If a majority of those persons voting on the ordinance shall be for approval, then the number of commissioners shall be reduced to three (3). Any such ordinance providing for a decrease in the number of commissioners shall not operate to abbreviate the term of office of any elected commissioner.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.
State of Tennessee  
PUBLIC CHAPTER NO. 437  
SENATE BILL NO. 60  
By Green, Roberts, Norris  
Substituted for: House Bill No. 55  
By Johnson, Kumar

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 2, relative to the nineteenth judicial district,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-2-506(19)(A), is amended by adding the following language as a new subdivision:

(vi) Effective September 1, 2015, there is created in the nineteenth judicial district one (1) additional circuit court to be designated as division IV. The governor shall appoint a person to serve as judge of division IV of the circuit court. The person so appointed shall serve in such capacity until September 1, 2016, or until the person's successor is elected and qualified. At the August 2016 general election, the qualified voters of the nineteenth judicial district shall elect, in accordance with § 16-2-505, one (1) person to serve as judge of division IV of the circuit court. The person so elected at the August 2016 general election shall hold office until September 1, 2022, or until the person's successor is elected and qualified. Thereafter, the judge of division IV of the circuit court shall be elected for a full eight-year term;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 484

SENATE BILL NO. 137

By Tate

Substituted for: House Bill No. 695

By Akbari, Camper, Parkinson, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 13, Part 2 and Title 2, Chapter 14, Part 2, relative to selection of candidates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-13-204(b)(4), is amended by deleting the first two sentences in the subdivision and substituting instead the following language:

If the office to be filled is a seat in the general assembly, then it shall be filled by the members of the party’s county executive committee who reside within that district, except that in counties having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census, then the office shall be filled by the members of the party’s county executive committee who represent precincts within that district. In a county with two (2) or more districts, only members of the county executive committee who reside within a particular district shall determine the method of nomination in that district except that in counties having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census, only members of the party’s county executive committee who represent precincts within that district shall determine the method of nomination in that district. If no member of the county executive committee resides within a district, then the members of the county executive committees who represent precincts within the district may nominate a candidate.

SECTION 2. Tennessee Code Annotated, Section 2-14-202(d)(3), is amended by deleting the first sentence in its entirety and substituting instead the following:

If a vacancy as described in subdivision (d)(1) occurs after the sixth Thursday before the primary election, then the members of the county executive committees who reside within the senate district may nominate a candidate to appear on the November election ballot by any method authorized under the rules of the party; provided, however, if no member of the county executive committee resides within the senate district, then the members of the county executive committees who represent precincts within the senate district may nominate a candidate. If a vacancy as described in subdivision (d)(1) occurs after the sixth Thursday before the primary election in any county having a metropolitan form of government with a population of more than five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census, then the members of the county executive committees who represent the precincts composing such senate district may nominate a candidate to appear on the November election ballot by any method authorized under the rules of the party.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.
State of Tennessee
PUBLIC CHAPTER NO. 508
HOUSE BILL NO. 605
By Representatives Matlock, Hardaway
Substituted for: Senate Bill No. 464
By Senator Bell

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 5 and Title 8, Chapter 8, Part 1, relative to elections for sheriff.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-102, is amended by adding the following new subsections:

(d) A person may challenge whether a candidate has the required qualifications for sheriff, as identified in subsection (a); provided, that the challenge is filed in writing with the POST commission no later than twelve o'clock (12:00) noon prevailing time on the third day after the qualifying deadline, as determined under § 2-5-101(a).

(e) If a candidate's qualifications are challenged pursuant to subsection (d), the POST commission shall:

(1) Notify the candidate of the challenge;

(2) Review and verify the candidate's required qualifications, identified in subsection (a);

(3) Review and verify the candidate’s affidavit and psychological evaluation form, in accordance with subsection (b); and

(4) If the POST commission determines the candidate does not possess the required qualifications for sheriff:

(A) Disqualify the candidate;

(B) Notify the candidate and county election commission of its determination no later than twelve o'clock (12:00) noon prevailing time on the seventh day after the qualifying deadline, as determined under § 2-5-101(a); and

(C) Request that the county election commission:

(i) Not print the candidate's name on any ballot; and

(ii) Remove the candidate's name from any printed ballot.

(f) It is an offense for a person to intentionally file a fraudulent challenge under subsection (d).

(2) A violation of subdivision (f)(1) is a Class A misdemeanor punishable by fine only.

SECTION 2. Tennessee Code Annotated, Section 2-5-101(g)(1), is amended by adding the following as a new, appropriately designated subdivision:
is declared disqualified by the peace officer standards and training (POST) commission pursuant to § 8-8-102(e);

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it.
State of Tennessee

PUBLIC CHAPTER NO. 509

HOUSE BILL NO. 556

By Representatives Fitzhugh, Hardaway

Substituted for: Senate Bill No. 651

By Senators Jackson, Harris, Yarbro

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50, relative to authorizing an electronic driver license system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 50, Part 3, is amended by adding the following as a new section:

55-50-306.

(a) The department of safety is authorized to develop a secure and uniform system, to be known as the "electronic driver license system," for authorizing persons to present or submit evidence of a valid driver license in an optional electronic format in lieu of a physical driver license. An acceptable electronic format includes display of electronic images on a cellular telephone or any other type of portable electronic device. The department may contract with one (1) or more entities to develop the electronic driver license system. The department or entity may develop a mobile software application capable of being utilized through a person's electronic device to access an electronic image of the person's driver license.

(b) The department may accept donations and grants from any source to pay the expenses the department incurs in the development of the electronic driver license system.

(c) The department may take reasonable measures to publicize the electronic driver license system to potential participants.

(d) The department shall not charge a fee to participate in the electronic driver license system.

(e) In lieu of a physical driver license, a person who participates in the system may present or submit evidence of possession of a valid driver license in an electronic format, which shall be accepted as such evidence for identification and other purposes, including upon the request of a law enforcement officer or a seller of alcoholic beverages. The electronic driver license system shall allow law enforcement officers to verify the authenticity of the driver license. If a person displays the evidence in an electronic format pursuant to this subsection, the person is not consenting for a law enforcement officer to access any other contents of the electronic device.

(f) The department shall disable, suspend, or terminate a person's participation in the electronic driver license system if:

1. The physical driver license issued to the participant has been canceled, revoked, or suspended as provided in this chapter; or

2. The participant reports that the participant's electronic device has been lost or stolen.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring
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<td>0001</td>
<td>Gatlinburg</td>
<td>As introduced, subject to local approval, amends the charter to remove certain budget requirements deemed by the legislative body to be obsolete, inconsistent with state law, or burdensome.</td>
<td>HB0046</td>
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<td>0002</td>
<td>Cheatham County</td>
<td>As introduced, subject to local approval, removes requirement that persons be issued wheel tax decals for display on license plates as evidence of having paid the wheel tax.</td>
<td>HB1379</td>
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<td>0003</td>
<td>School Districts, Special</td>
<td>As introduced, pursuant to the request of the Gibson County special school district, permits the district to issue bonds or notes in an amount of $3 million or less and to issue bond, revenue, and grant anticipation notes.</td>
<td>HB1382</td>
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<td>0004</td>
<td>School Districts, Special</td>
<td>As introduced, revises the property tax rate for the Trenton special school district.</td>
<td>HB0277</td>
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<td>0005</td>
<td>School Districts, Special</td>
<td>As introduced, revises the property tax rate for the Bradford special school district.</td>
<td>HB0399</td>
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<td>0006</td>
<td>Madison County</td>
<td>As introduced, subject to local approval, replaces existing civil service commission system with a new system.</td>
<td>HB1385</td>
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<td>0007</td>
<td>Henry County</td>
<td>As introduced, subject to local approval, increases, from five to seven, the number of members on the board of trustees of the county medical center.</td>
<td>HB1387</td>
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<td>0008</td>
<td>Westmoreland</td>
<td>As introduced, subject to local approval, exempts the city recorder from the requirement that office holders reside within two miles of the city limits; eliminates durational residency requirement of six months for an eligible appointment to the office of city recorder. Amends Chapter 306 of the Private Acts of 1951; as amended.</td>
<td>HB1388</td>
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<td>0009</td>
<td>Kingsport</td>
<td>As introduced, makes various charter revisions including clarifying powers of the board may be exercised by ordinance, resolution or motion; clarifying how vacancy filled when an alderman becomes mayor; revising bond requirements for employees who handle money; clarifying when employee may request hearing prior to termination; clarifying that competitive bidding is required only when a contract involves expenditure of city funds. Amends Chapter 76 of the Private Acts of 1917; as amended.</td>
<td>HB1390</td>
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<tr>
<td>0010</td>
<td>School Districts, Special</td>
<td>As introduced, pursuant to the request of the Tenth special school district of Wilson County, permits the district to issue bonds or notes in an amount of $3 million or less and to issue bond anticipation notes in an amount of $3 million or less. Amends Chapter 330 of the Acts of 1901.</td>
<td>HB1392</td>
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<tr>
<td>0011</td>
<td>Pikeville</td>
<td>As introduced, subject to local approval, allows property owners who are not residents of the Town of Pikeville to vote in municipal elections. Amends Chapter 574 of the Private Acts of 1939; as amended.</td>
<td>HB1393</td>
</tr>
<tr>
<td>0012</td>
<td>Anderson County</td>
<td>As introduced, subject to local approval, validates, ratifies, and approves the actions of the county clerk and trustee of Anderson County, in establishing branch offices in Norris and Oak Ridge.</td>
<td>HB1377</td>
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<tr>
<td>0013</td>
<td>Petersburg</td>
<td>As introduced, amends the charter of the Town of Petersburg to remove the requirement that the recorder, chief of police, and judge live within the town limits.</td>
<td>HB1386</td>
</tr>
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