

## Minutes State Election Commission Meeting February 16, 2010

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The State Election Commission meeting was called to order by Chairman Wallace at 11:15 a.m. with Commissioners Blackburn, DuBois, Head, and Younce present. Election staff members present were Mark Goins - Coordinator of Elections, Beth Henry-Robertson - Assistant Coordinator of Elections, Cara Harr - HAVA Attorney, Wayne Pruett - HAVA Coordinator, Randy Stamps - Elections Specialist, and Kathy Summers - Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from January 19, 2010.

Pursuant to T.C.A. § 2-12-101 and 2-12-106, motion was made, seconded and unanimously approved to accept the nominations for county election commission appointments as submitted and to leave the nomination process open until 4:30 p.m. central time February 16, 2010. **(See attached New Appointment Status Report for appointments made.)**

Commissioner Younce spoke of the Campbell County Election Commission request and indicated while he was a member of the County Election Commission the cost of printing voter information had increased for the county. At the last State Election Commission meeting the commission requested the coordinator's office survey the counties and report back to the commission on their findings. A copy of the Coordinator's findings is attached.

Commissioners discussed several options for increasing the fee charged by all counties when selling voter information. It was requested the Elections staff come up with a figure that the State Election Commissioners may review and set at their next meeting.

A motion was made, seconded and unanimously approved Campbell County Election Commissions request to increase the cost charged for diskettes. The cost approved was \$75.00 per order of diskettes.

### Coordinator Goins - Update:

⇒ Coordinator Goins updated commission members on various voting machines vendors seeking certification to the 2005 EAC guidelines. There are several elections where State Election Commissioners may view such machines in another state. One election will be held in New York in September and information will be provided to the commission members as information is provided to the coordinator's office.

⇒ Coordinator Goins discussed the Marion County Administrator of Elections.

The details of the complaint can be found in the attached transcript. The entire transcript is hereby incorporated into these minutes. Mrs. Holly Henegar, Administrator of

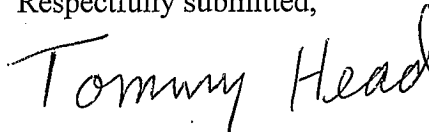
Elections for Marion County, was present and was represented by her legal Counsel, John Ray Clemmons.

After discussion, a motion was made, seconded and unanimously approved to have a Show Cause Hearing on March 23, 2010 or date worked out by the parties.

The next meeting will be rescheduled to coincide with the Show Cause Hearing

Motion was made to adjourn, and there being no further business to come before the commission at this time, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tommy Head". The signature is written in black ink and is positioned to the right of the typed name.

Tommy Head, Acting - Secretary  
State Election Commission

# Vacant Status

16-Feb-10

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## Benton

D Greg Duckett  
R Jimmy Wallace

R

## Crockett

D Greg Duckett  
R Jimmy Wallace

D

## Dickson

D Greg Duckett  
R Tom DuBois

D

## Franklin

D Tommy Head  
R Tom DuBois

R

## Haywood

D Greg Duckett  
R Jimmy Wallace

R

## Marshall

D Tommy Head  
R Tom DuBois

R

## McMinn

D Tom Wheeler  
R Judy Blackburn

R

## Overton

D Tommy Head  
R Kent Younce

R

Total Vacancies: 8

# New Appointment Status

17-Feb-10

		Appointment
<b>Franklin</b>	D Tommy Head / R Tom DuBois R Janet Doran	2/16/2010
<b>Haywood</b>	D Greg Duckett / R Jimmy Wallace R Patricia Simmons	2/16/2010
<b>Marshall</b>	D Tommy Head / R Tom DuBois R Fred Fleischer	2/16/2010
<b>McMinn</b>	D Tom Wheeler / R Judy Blackburn R Wiley Richardson	2/16/2010
<b>Overton</b>	D Tommy Head / R Kent Younce R John Houser	2/16/2010

**Total New Commissioners: 5**

**Brian Younce**, Chairman  
**Lucy Lobertini**, Secretary  
**Jerry Chadwell**, Member  
**Mark Hoskins**, Member  
**Marshall McKamey**, Member



**Dean Sexton**  
Administrator of Elections

**Carole Jo Nelson**  
Elections Deputy

## CAMPBELL COUNTY ELECTION COMMISSION

Post Office Box 84 • 129 Church Alley  
Jacksboro, Tennessee 37757  
423-562-9777 • Fax 423-562-9758

February 9, 2010

Chairman Jimmy Wallace  
Members State Election Commission  
State Election Commission  
312 Rosa L. Parks Avenue  
9<sup>th</sup> Floor, William R. Snodgrass Tennessee Tower  
Nashville, TN 37243

Dear Chairman Wallace and Commission Members:

The Campbell County Election Commission met in regular session on November 3, 2009 with all members present. At said meeting, the members discussed the need to increase our price for our voter registration information which we provide on computer generated media. On November 30, 2009, we wrote you a letter asking for an increase of \$37.00 per diskette as we had recently changed our voter registration software vendor, resulting in an annual increase of \$1,000.00 for our software support, from \$1,200.00 to \$2,200.00.

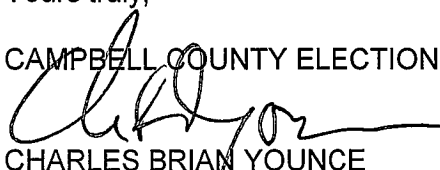
Our initial cost for the Voter Central software was \$6,000.00 which we paid in October, 2009. This included the first year support of \$2,200.00. We had not anticipated this change of software vendor and the resulting expense when we prepared our budget for the fiscal year ended June 30, 2010, therefore, had not budgeted enough to cover this increase.

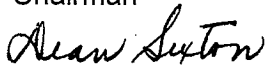
We respectfully petition the State Election Commission to give the Campbell County Election Commission the authority to charge \$75.00 to any purchaser who certifies on the form provided by the State Election Commission that such list will be used for political purposes. We feel that our cost of production has increased in an amount that justifies this price increase.

Thank you in advance for your consideration.

Yours truly,

CAMPBELL COUNTY ELECTION COMMISSION

  
CHARLES BRIAN YOUNCE  
Chairman

  
DEAN SEXTON  
Administrator of Elections

2010 FEB 16 AM 10:30

## **Summary of Responses for Survey on Selling Voter Data (Feb 2010)**

### **Printed List of Voters Section**

#### **(Question 1)**

What do you charge for a printed list of voters?

Of the **89 responding counties**, **15 counties** gave a response of "NA." Not every county sells a printed voter list.

A total of **2 counties** responded they charge a "Flat Fee not per Name."

A total of **10 counties** report they charge "*per page of printed voters.*"

The range of charges for a printed page is: 15 cents a page in Shelby, 20 cents a page in Scott, 25 cents a page in six counties (Madison / Perry / Pickett / Roane / Robertson / Williamson), 35 cents a page in Smith, and 50 cents a page in Rhea.

A total of **62 counties** charge based on X cents per name. The range of charges is:

A charge of 3 cents a name occurs in 2 counties.

A charge of 2.5 cents a name occurs in 1 county.

A charge of 2 cents a name occurs in 56 counties.

A charge of 1 cent a name occurs in 2 counties.

A charge of  $\frac{3}{4}$  of a cent a name occurs in 1 county.

#### **(Question 2)**

Do you charge a flat fee for a regular list of voters by district, such as county commission?

A total of **80 counties** report they don't charge a flat fee for county commission districts.

A total of **9 counties** report they do charge a flat fee for their county commission districts.

The counties using a flat fee for any of their county commission districts are: Chester, Clay, Dickson, Grainger, Hamblen, Macon, Meigs, Montgomery and Trousdale.

#### **(Question 2a)**

Explain the flat fee charge per district.

Of the **9 counties** that charge a flat fee, the range of charges (high to low) are:

Montgomery \$40, Chester \$35, Trousdale \$25, Meigs \$24, Dickson \$20, Grainger \$20, Hamblen \$15, Macon \$15, and Clay \$10.

#### **(Question 3)**

What is the cost per label if the county provides the labels?

Of the **89 counties responding**, **37 counties** report they don't print labels.

A total of **52 counties** report they do charge various amounts per label. These 52 counties are detailed below (high to low).

1 County charges 6 cents per label.

7 Counties charge 5 cents per label.

11 Counties charge 4 cents per label.

1 County charges 3.875 cents per label.

1 County charges 3.5 cents per label.

- 11 Counties charge 3 cents per label + the cost of label (label costs change).
- 14 Counties charge 3 cents per label.
- 2 Counties charge 2 cents per label + the cost of the label (label costs change).
- 2 Counties charge 2 cents per label.
- 1 County charges \$2.25 per 1000 labels.
- 1 County charges the cost of labels + \$10.00 fee.

**(Question 4)**

When the customer provides the labels what do you charge?

A total of **52 counties** gave a response of "NA." Many counties will not print labels from other individuals on their laser printers. This explains the jump from 37 in Question 3 to 52 in Question 4. This is because of compatibility concerns. Quality laser printers perform better with quality labels.

A total of **37 counties** report using a charge per label method. The breakdown on these 37 is detailed below.

- 18 Counties charge 3 cents per label.
- 17 Counties charge 2 cents per label.
- 1 charges a \$10 minimum fee.
- 1 County charges \$2.25 per 1000 labels.

***Diskette Section***

**(Question 5 & 5a)**

Does your county sell information on "diskettes?"

A total of **71 counties** no longer sell "diskettes." Is this accurate? Modern computers no longer provide a 3.5" floppy disk. To purchase a computer with a 3.5" disk drive in recent years, you will be charged extra and days will be added to the delivery. Technology has changed and continues to change.

A total of **18 counties** still sell electronic information on a "diskette." Five years earlier this number would have certainly been higher.

Of the 18 counties selling diskettes:

- 11 counties price their diskette in the \$35 to \$38.50 range;
- 1 county prices their diskette for \$25.00 + disk cost;
- 1 county prices their diskette for \$1.50 + disk cost; and
- 5 counties gave no cost data.

**(Question 5b)**

If you sell two diskettes what do you charge?

Three entries are note worthy.

Crockett County reports charging \$45 for two diskettes, however, they gave no cost for a single diskette.

Campbell County reports \$38.00 each for two diskettes. Using their information that would be  $\$38 \times 2 = \$76$  for 2 diskettes.

Sevier County reports \$75.00 for two diskettes.

The remaining counties left their price the same or increased the charge no more than \$1.50 when a second diskette is required.

### **CD ROM Section**

Of the **89 counties responding**, no county requires 2 CD ROM for a county-wide order.

A total of 6 counties reply with "NA" meaning they don't produce CD ROMs.

Knox County gives their information out at "No Charge."

A total of **82 counties** report their charge for a single CD. The range of charges are detailed below (high to low).

- 1 county charges \$60.00
- 5 counties charge \$50.00
- 1 county charges \$45.00
- 2 counties charge \$42.50
- 4 counties charge \$40.00
- 1 county charges \$39.50
- 16 counties charge \$38.50
- 1 county charges \$38.35
- 7 counties charge \$38.00
- 18 counties charge \$37.50
- 2 counties charge \$37.00
- 5 counties charge \$36.50
- 2 counties charge \$36.00
- 15 counties charge \$35.00
- 2 counties charge \$25.00

The charges need to be changed to an even dollar amount. It is inconvenient for the election office and the customer to try to "make change" when it is \$38.50. A majority of these transactions occur as the county election office is dealing with voter registration deadlines, absentee voting or early voting.

### *Challenge*

When a candidate seeks elected office that involved multiple counties, they don't understand why charges vary from county to county across the district for the same type of information (lists, labels, diskettes, or CD ROMs).



**Survey for Selling Voter Data in Tennessee County Election Offices (Feb 2010)**

	Question 1	Question 2	Question 2a	Question 3	Question 4	Question 5	Question 5a	Question 5b	All CD Questions
1	Anderson	Charge Flat Fee Per District	District Charge	Cost Per Label With County Labels	Cost When Customer Provides Labels	Sell Diskettes	Charge Sell 1 Diskette	Charge Sell 2 Diskettes	Cost of 1 CD ROM
2	Anderson	No	NA	3 Cents	2 Cents	No			\$37.50
3	Bedford	No	NA	3 Cents + Label	3 Cents	Yes	\$36.50	\$38.00	\$36.50
4	Benton	No	NA	NA	NA	No			\$35.00
5	Bledsoe	No	NA	NA	NA	No			NA
6	Blount	No	NA	3 Cents	NA	No			\$40.00
7	Bradley	No	NA	NA	NA	No			\$50.00
8	Campbell	No	NA	3 Cents	2 Cents	Yes	\$38.50	\$38.00 each	\$38.00
9	Cannon	No	NA	2 Cents	2 Cents	No			\$37.50
10	Carroll	No	NA	4 Cents	2 Cents	No			\$35.00
11	Carter	No	NA	3 Cents + Label	3 Cents	No			\$38.50
12	Cheatham	No	NA	3 Cents + Label	3 Cents	No			\$37.50
13	Chester	YES	\$35	NA	NA	No			\$35.00
14	Claiborne	No	NA	4 Cents	NA	No			\$38.00
15	Clay	YES	\$10	6 Cents	3 Cents	No			\$37.50
16	Cocke	No	NA	NA	NA	Yes	\$38.50	\$40.00	\$38.50
17	Coffee	No	NA	3 Cents + Label	3 Cents	No			\$36.50
18	Crockett	No	NA	4 Cents	2 Cents	Yes		\$45.00	\$45.00
19	Cumberland	No	NA	NA	NA	No			\$38.50
20	Davidson	No	NA	3.875 Cents	3 Cents	No			\$37.00
21	Decatur	No	NA	NA	NA	No			\$38.00
22	DeKalb	No	NA	3 Cents + Label	3 Cents	No			\$38.00
23	Dickson	YES	\$20	5 Cents	2 Cents	No			\$37.50
24	Dyer	No	NA	5 Cents	NA	No			\$38.50
25	Fayette	No	NA	4 Cents	NA	No			\$38.50

County	List Cost Per Name	Charge Flat Fee Per District	District Charge	Cost Per Label With County Labels	Cost When Customer Provides Labels	Sell Diskettes	Charge Sell 1 Diskette	Charge Sell 2 Diskettes	Cost of 1 CD ROM
25 Fentress	NA	No	NA	5 Cents	3 Cents	No			\$50.00
26 Gibson	2 Cents	No	NA	5 Cents	2 Cents	No			\$42.50
27 Giles	2 Cents	No	NA	3 Cents	NA	No			\$35.00
28 Grainger	Flat Fee not per name	YES	\$20	3 Cents	2 Cents	No			\$37.50
29 Greene	2 Cents	No	NA	NA	NA	No			\$37.50
30 Grundy	NA	No	NA	2 Cents	NA	Yes	\$1.50 + Disk Cost	\$1.50 + Disk Cost	NA
31 Hamblen	NA	YES	\$15	NA	NA	No			\$50.00
32 Hamilton	0.75 Cents	No	NA	NA	NA	No			\$35.00
33 Hancock	2 Cents	No	NA	3 Cents + Label	3 Cents	No			\$35.00
34 Hardeman	2 Cents	No	NA	4 Cents	NA	No			\$38.50
35 Hardin	2 Cents	No	NA	NA	NA	No			\$38.00
36 Hawkins	2 Cents	No	NA	3 Cents + Label	3 Cents	No			\$35.00
37 Haywood	2 Cents	No	NA	NA	NA	Yes			\$35.00
38 Henderson	2 Cents	No	NA	4 Cents	2 Cents	No			\$35.00
39 Henry	2 Cents	No	NA	NA	NA	No			\$38.50
40 Hickman	2 Cents	No	NA	3 Cents	NA	No			\$37.50
41 Houston	2 Cents	No	NA	3 Cents + Label	3 Cents	No			\$36.50
42 Humphreys	2 Cents	No	NA	3 Cents	NA	Yes	\$25.00 + Disk Cost		\$38.50
43 Jackson	NA	No	NA	NA	NA	No			\$35.00
44 Jefferson	2 Cents	No	NA	3 Cents	NA	No			\$37.00
45 Johnson	2 Cents	No	NA	NA	NA	No			\$37.50
46 Knox	NA	No	NA	NA	NA	No			No Charge
47 Lake	2 Cents	No	NA	4 Cents	NA	Yes	\$38.50	\$39.50	\$38.50
48 Lauderdale	2 Cents	No	NA	4 Cents	2 Cents	Yes			\$35.00
49 Lawrence	2 Cents	No	NA	3 Cents + Label	3 Cents	No			\$39.50

	County	List Cost Per Name	Charge Flat Fee Per District	District Charge	Cost Per Label With County Labels	Cost When Customer Provides Labels	Sell Diskettes	Charge Sell 1 Diskette	Charge Sell 2 Diskettes	Cost of 1 CD ROM
50	Lewis	2 Cents	No	NA	NA	3 Cents	No			\$37.50
51	Lincoln	2 Cents	No	NA	5 Cents	2 Cents	No			\$25.00
52	Loudon	1 Cent	No	NA	NA	NA	No			\$35.00
53	Macon	2 Cents	YES	\$15	NA	3 Cents	Yes	\$37.50		\$37.50
54	Madison	25 Cents a page	No	NA	NA	NA	Yes			\$42.50
55	Marshall	2 Cents	No	NA	3 Cents	NA	No			\$36.50
56	Maury	3 Cents	No	NA	3.5 Cents	NA	No			\$40.00
57	McMinn	2 Cents	No	NA	2 Cents + Label	2 Cents	No			\$37.50
58	McNairy	NA	No	NA	5 Cents	3 Cents	No			\$38.50
59	Meigs	2 Cents	YES	\$24	NA	NA	No			\$38.50
60	Monroe	1 Cent	No	NA	NA	NA	No			\$35.00
61	Montgomery	NA	YES	\$40	NA	NA	No			\$50.00
62	Morgan	NA	No	NA	NA	NA	No			\$25.00
63	Obion	3 Cents	No	NA	5 Cents	3 Cents	No			\$37.50
64	Overton	NA	No	NA	NA	NA	Yes			\$35.00
65	Perry	25 Cents a page	No	NA	NA	NA	Yes	\$35.00	\$36.00 total	NA
66	Pickett	25 Cents a page	No	NA	NA	NA	No			\$35.00
67	Putnam	2 Cents	No	NA	3 Cents + Label	3 Cents	No			\$37.50
68	Rhea	50 cents a page	No	NA	Label Cost + \$10	\$10 Minimum	No			\$40.00
69	Roane	25 Cents a page	No	NA	NA	NA	Yes	\$37.50	\$37.50	NA
70	Robertson	25 Cents a page	No	NA	3 Cents	NA	No			\$37.50
71	Rutherford	2 Cents	No	NA	4 Cents	NA	No			\$36.00
72	Scott	20 cents a page	No	NA	3 Cents	NA	No			NA
73	Sevier	2 Cents	No	NA	3 Cents + Label	3 Cents	Yes	\$37.50	\$75.00	\$37.50
74	Shelby	15 cents a page	No	NA	\$2.25 per 1,000	\$2.25 per 1,000	Yes	\$36.50	\$38.00	\$36.50
75	Smith	35 cents a page	No	NA	3 Cents	2 Cents	No			\$36.00
76	Stewart	2 Cents	No	NA	3 Cents	NA	No			\$38.35

	County	List Cost Per Name	Charge Flat Fee Per District	District Charge	Cost Per Label With County Labels	Cost When Customer Provides Labels	Sell Diskettes	Charge Sell 1 Diskette	Charge Sell 2 Diskettes	Cost of 1 CD ROM
77	Sullivan	2 Cents	No	NA	NA	NA	No			\$60.00
78	Sumner	2 Cents	No	NA	4 Cents	2 Cents	No			\$38.50
79	Tipton	2 Cents	No	NA	3 Cents	2 Cents	No			\$38.50
80	Trousdale	Flat Fee not per name	YES	\$25 any List	NA	NA	No			\$37.50
81	Unicoi	Yes	No	NA	NA	NA	No			\$38.50
82	Union	2 Cents	No	NA	NA	NA	No			\$38.00
83	Warren	2 Cents	No	NA	2 Cents + Label	2 Cents	No			\$40.00
84	Washington	NA	NA	NA	NA	NA	No			\$38.50
85	Wayne	2 Cents	No	NA	NA	2 Cents	No			\$37.50
86	Weakley	2 Cents	No	NA	NA	NA	No			\$38.50
87	White	2 Cents	No	NA	NA	NA	Yes	\$38.50	\$38.50	NA
88	Williamson	25 Cents a page	No	NA	4 Cents	NA	No			\$50.00
89	Wilson	2 Cents	No	NA	NA	NA	Yes	\$38.00	\$38.00	\$38.00