

**Minutes**  
**State Election Commission Meeting**  
**July 11, 2011**

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The State Election Commission meeting was called to order by Chairman Judy Blackburn at NOON, Central Daylight Time, July 11, 2011. The following members and staff were present: Chairman Blackburn; Commissioners Head and Wallace; Coordinator of Elections Mark Goins; and Kathy Summers, Elections Specialist. Commissioner DuBois was connected telephonically.

The determination of necessity for conducting the State Election Commission meeting by phone is to make county election commission appointments and to certify Administrators of Elections passing the certification test given on June 20, 2011.

Motion was made, seconded and unanimously approved to adopt the minutes from the regularly scheduled meeting held on June 13, 2011. **Telephonic Roll call vote: Voting Aye.** DuBois, Head, Wallace and Blackburn. **Voting No.** None.

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 Daylight Time, July 11, 2011. **(For appointments made, see attached list.)**

**Telephonic Roll call vote: Voting Aye.** DuBois, Head, Wallace and Blackburn. **Voting No.** None.

**Old Business**

- The request from Williamson County to increase fees charged for voter registration lists and information.

Motion was made, seconded and unanimously approved to move the Williamson County request to August 8, 2011.

**Telephonic Roll call vote: Voting Aye.** DuBois, Head, Wallace and Blackburn. **Voting No.** None.

**New Business**

- The Certified Administrator of Elections test was given on June 20, 2011, in Nashville. Those passing the test were as follows:

<b>County</b>	<b>Administrator</b>
Davidson	Albert Tieche
Fentress	Joey Williams
Hawkins	Donna Sharp
Smith	Yvonne Gibbs
White	Dorcas Marcum

A motion was made, seconded and unanimously approved to certify those individuals passing the certification exam given on June 20, 2011. **Telephonic Roll call vote: Voting Aye.** DuBois, Head, Wallace and Blackburn. **Voting No.** None.

### **Coordinator Update**

- The request to approve Dan Miller, Henderson County Administrator of Elections, be excused from attending the Tennessee Association of County Election Officials (TACEO) annual meeting and seminar due to a death in his family was moved to the August 8, 2011 meeting.

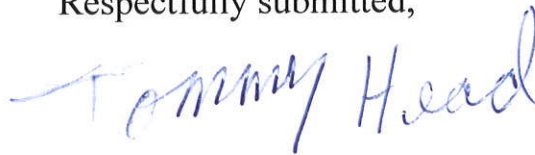
Motion was made, seconded and unanimously approved to move Dan Miller's request to the August 8, 2011 meeting.

**Telephonic Roll call vote: Voting Aye.** DuBois, Head, Wallace and Blackburn. **Voting No.** None.

The next meeting will be held on August 8, 2011, at NOON, Central Daylight Time, in the Robertson Room, 3<sup>rd</sup> Floor, Snodgrass – TN Tower.

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,



Tommy Head - Secretary  
State Election Commission

# New Appointment Status

11-Jul-11

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		Appointment
<b>Hamilton</b>	D Tom Wheeler / R Judy Blackburn	
	R Tommy F. Crangle	7/11/2011
<b>Houston</b>	D Greg Duckett / R Tom DuBois	
	D Dewain Pryor	7/11/2011
	D Nora DeJuliis	7/11/2011
<b>Lawrence</b>	D Greg Duckett / R Tom DuBois	
	D Ruby Belew	7/11/2011
	D Johnny Lyles	7/11/2011
<b>Sumner</b>	D Tommy Head / R Tom DuBois	
	R Barbara Brake	7/11/2011
	R Arthur McClellan	7/11/2011
	R Patricia L. Polston	7/11/2011

**Total New Commissioners: 8**

# Vacant Status

11-Jul-11

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## Jefferson

D Tom Wheeler

R Judy Blackburn

R

## Tipton

D Greg Duckett

R Jimmy Wallace

D

**Total Vacancies: 2**

# Holdover Status

11-Jul-11

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		Appointment	Reappointment	
<b>Carroll</b>				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Nellie M. Hale	4/4/2005	4/6/2009
	D	Michael Corrado	4/1/1985	4/6/2009
<b>Chester</b>				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Conan Hall	4/20/1999	4/6/2009
	D	Carolyn Thomas	8/18/2009	8/18/2009
<b>Gibson</b>				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Kathleen Smith	6/22/2007	5/27/2009
	D	Robert S. Phelan	4/3/1995	5/27/2009
<b>Giles</b>				
D	Tommy Head			
R	Tom DuBois			
	D	Henry A. Inman	4/3/1995	4/6/2009
	D	Judy C. Mitchell	2/19/2002	4/6/2009
<b>Hamilton</b>				
D	Tom Wheeler			
R	Judy Blackburn			
	R			
<b>Hardin</b>				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Maribeth Long	7/16/1991	4/6/2009
	D	David Jerrolds	5/16/2006	4/6/2009
<b>Haywood</b>				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Ida Ruth Bradford	4/3/1995	4/6/2009
	D	Aubrey Lee Bond	4/3/1995	4/6/2009
<b>Henderson</b>				
D	Greg Duckett			
R	Jimmy Wallace			

			<b>Appointment</b>	<b>Reappointment</b>
	D	Cornelia T. Morris	4/3/1995	4/6/2009
	D	Pope Thomas	4/17/2001	4/6/2009
<b>Henry</b>				
	D	Greg Duckett		
	R	Jimmy Wallace		
	D	Paul David Hessing	4/6/2009	4/6/2009
	D	Sylvia C. Humphreys	5/19/1998	4/6/2009
<b>Houston</b>				
	D	Greg Duckett		
	R	Tom DuBois		
	D	Dewain Pryor	6/22/2007	4/6/2009
	D	Nora DeJuliis	10/20/2009	10/20/2009
<b>Humphreys</b>				
	D	Greg Duckett		
	R	Tom DuBois		
	D	Von Gardner	4/3/1995	4/6/2009
	D	Jess S. Bowen, III	1/14/2003	4/6/2009
<b>Lake</b>				
	D	Greg Duckett		
	R	Jimmy Wallace		
	D	Kent Patterson	9/29/1999	4/6/2009
	D	Marion (Elaine) Nettles	7/21/1998	4/6/2009
<b>Lawrence</b>				
	D	Greg Duckett		
	R	Tom DuBois		
	D	Johnny Lyles	5/17/2005	4/6/2009
	D	Ruby Belew	8/19/2008	4/6/2009
	R	Eddy Dean Cothren	4/27/2010	4/27/2010
	R	Cindy Edwards	1/17/2006	4/6/2009
	R	Stephen L. Purcell	4/6/2009	4/6/2009
<b>Lewis</b>				
	D	Greg Duckett		
	R	Tom DuBois		
	D	Paul H. Gandy	4/5/1993	4/6/2009
	D	Ronnie James	3/21/2006	4/6/2009
<b>Obion</b>				
	D	Greg Duckett		
	R	Jimmy Wallace		
	D	John Algee	2/19/2003	4/6/2009

			<b>Appointment</b>	<b>Reappointment</b>
	D	Dave Frankum	10/19/2004	4/6/2009
<b>Putnam</b>				
	D	Tommy Head		
	R	Kent Younce		
	R	Joan Ross	4/6/2009	4/6/2009
	R	Jean G. Cody	4/6/2009	4/6/2009
	R	Joseph Terry Herrin	4/6/2009	4/6/2009
<b>Stewart</b>				
	D	Greg Duckett		
	R	Jimmy Wallace		
	D	Martha A. Vaughn	4/3/1995	4/6/2009
	D	Nellie F. Settle	4/3/1995	4/6/2009
<b>Sumner</b>				
	D	Tommy Head		
	R	Tom DuBois		
	R	Arthur McClellan	4/2/2007	4/6/2009
	R	David Amonette	4/2/2007	4/6/2009
	R	Patricia L. Polston	7/20/2010	7/20/2010
<b>Van Buren</b>				
	D	Tommy Head		
	R	Kent Younce		
	R	Daniel Lee Dodson	6/18/2002	4/6/2009
<b>Weakley</b>				
	D	Greg Duckett		
	R	Jimmy Wallace		
	D	Beau Pemberton	5/28/2009	5/28/2009
	D	Elizabeth Dinwiddie	11/20/2007	4/6/2009
<b>Total Holdovers: 43</b>				

Tre Hargett, Secretary of State

## State of Tennessee



Division of Elections  
312 Rosa L. Parks Avenue, 9<sup>th</sup> Floor  
Nashville, Tennessee 37243-0305

Mark Goins  
Coordinator of Elections

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

### MEMORANDUM

**To:** State Election Commission Members

**From:** Mark Goins *Mark Goins*  
Coordinator of Elections

**Date:** July 1, 2011

**Subject:** Results of the June 20, 2011 Certification Exam

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On June 20, 2011, this office administered a certification exam.

The following Administrators of Elections obtained a passing score on that exam:

**Albert Tieche (Davidson County)**

**Joey Williams (Fentress County)**

**Donna Sharp (Hawkins County)**

**Yvonne Gibbs (Smith County)**

**Dorcias Marcum (White County)**



An appellate court must make a functional equivalency determination where, even though a nonprofit corporation has complied with the audit exception in the Tennessee Public Records Act, T.C.A. § 10-7-503, its records are accessible to the public if it is the functional equivalent of a governmental agency. Its records will not be open to the public merely because it does business with or performs services on behalf of a municipal government. *Podness v. Newport & Cocke County Econ. Dev. Comm'n, Inc.*, — S.W.3d —, 2005 Tenn. App. LEXIS 148 (Tenn. Ct. App. Mar. 16, 2005).

Final sentence of § 10-7-503(d)(1)(F)(iv), of the Tennessee Public Records Act, T.C.A. § 10-7-503, is ambiguous as to precisely which sub-

section it refers, therefore the Court of Appeals of Tennessee at Knoxville, has reviewed the legislative history of § 10-7-503(d)(1)(F)(iv) and it is clear that the legislature determined that certain small nonprofit associations that have two or less employees submit an annual audit to the elected officials in the communities that they serve. Therefore, these small nonprofit corporations and associations do not have to file another audit to be exempt from the Public Records Act and so are taken out of the coverage of the Act. *Podness v. Newport & Cocke County Econ. Dev. Comm'n, Inc.*, — S.W.3d —, 2005 Tenn. App. LEXIS 148 (Tenn. Ct. App. Mar. 16, 2005).

### 8-44-103. Notice of public meetings.

Section to Section References. This section is referred to in § 4-3-5509.

#### NOTES TO DECISIONS

#### 3. Adequacy of Notice.

Solid waste board improperly denied an operator's application to expand its landfill because the proposed expansion was consistent with the board's solid waste management plan since: (1) The plan did not place an affirmative obligation on the operator to locate alternative

landfill sites; (2) The plan did not subject the landfill to recycling requirements; (3) The plan allowed expansion; and (4) Compliance with a declaration of restriction was a separate issue. *Waste Mgmt. v. Solid Waste Region Bd.*, — S.W.3d —, 2007 Tenn. App. LEXIS 211 (Tenn. Ct. App. Apr. 11, 2007).

### 8-44-107. Board of directors of Performing Arts Center Management Corporation.

Cited: *The Tennessean v. Tenn. Dept. of Pers.*, — S.W.3d —, 2007 Tenn. App. LEXIS 267 (Tenn. Ct. App. Apr. 27, 2007).

**8-44-108. Participation by electronic or other means.** — (a) As used in this section, unless the context otherwise requires:

(1) "Governing body" refers to boards, agencies and commissions of state government, including state debt issuers as defined in this section and municipal governing bodies. For the purpose of this section only, "municipal governing bodies" means only those municipal governing bodies organized under title 6, chapter 18, and having a city commission of three (3) members, and having a population of more than two thousand five hundred (2,500), according to the 2000 federal census or any subsequent federal census;

(2) "Meeting" has the same definition as defined in § 8-44-102;

(3) "Necessity" means that the matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary; and

(4) "State debt issuers" means the Tennessee state funding board, Tennessee local development authority, Tennessee housing development agency, and Tennessee state school bond authority, and any of their committees.

(b)(1) A governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law, provided, that a physical quorum is present at the location specified in the notice of the meeting as the location of the meeting.

(2) If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.

(3) If a physical quorum is not present at the location of a meeting of a governing body other than a state debt issuer, the governing body other than a state debt issuer must file such determination of necessity, including the recitation of the facts and circumstances on which it was based, with the office of secretary of state no later than two (2) working days after the meeting. The secretary of state shall report, no less than annually, to the general assembly as to the findings of the determinations of necessity.

(c)(1) Any meeting held pursuant to the terms of this section shall comply with the requirements of the Open Meetings Law, codified in this part, and shall not circumvent the spirit or requirements of that law.

(2) Notices required by the Open Meetings Law, or any other notice required by law, shall state that the meeting will be conducted permitting participation by electronic or other means of communication.

(3) Each part of a meeting required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.

(4) Any member of a governing body not physically present at a meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.

(5) All votes taken during a meeting held pursuant to the terms of this section shall be by roll call vote.

(6) A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of voting, but not for purposes of determining per diem eligibility. However, a member may be reimbursed expenses of such electronic communication or other means of participation. Acts 1990, ch. 815, § 1; 1999, ch. 490, § 1; 2005, ch. 82, § 1.]

**Compiler's Notes.** For tables of U.S. decimal populations of Tennessee counties, see Volume 13 and its supplement. first sentence of (a)(1), deleted "only" following "refers" and added "and municipal governing bodies" at the end; and added the second sentence of (a)(1). Amendments. The 2005 amendment, in the

**REMINDER:**

**YOU MUST GIVE THE STATEMENT OF  
NECESSITY**

The determination of necessity for conducting the State Election Commission meeting by phone is to make county election commission appointments and to certify Administrators' of Election passing the certification test given on June 20, 2011.

COPY

Tre Hargett, Secretary of State

**State of Tennessee**



Division of Elections  
312 Rosa L. Parks Avenue, 9<sup>th</sup> Floor  
Nashville, Tennessee 37243-0305

Mark Goins  
Coordinator of Elections

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

July 11, 2011

Mr. Richard Arnold  
Office of the Secretary of State  
8<sup>th</sup> Floor, William R. Snodgrass - Tennessee Tower  
312 Rosa L. Parks Avenue  
Nashville, TN 37243

Dear Mr. Arnold:

The State Election Commission met by teleconference at 12:00 P.M., CST on Monday, July 11, 2011, in the Robertson Room of the William R. Snodgrass - Tennessee Tower. The notice requirements of TCA § 8-44-108 (b) were fully complied with. A quorum of the Board was not physically present at the location from which the teleconference originated, although a quorum did participate electronically.

In accordance with TCA § 8-44-108 this constitutes the Board's notice of the occurrence of the meeting and the Statement of Necessity.

A telephonic meeting of the Board was required to make county election commission appointments and certify Administrators' of Election who passed the certification test given on June 20, 2011. A Statement of Necessity to that effect was formally adopted by the Board at the beginning of the teleconference, and the Statement of Necessity was included in the Board's minutes.

I trust that I have addressed the requirements of the Open Meetings Act. If you should require any further information please advise me.

Sincerely,

Mark K. Goins  
Coordinator of Elections



State of Tennessee  
Department of State  
Division of Elections  
312 Rosa L. Parks Ave.  
9<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243  
Phone: (615) 741-7956 Fax: (615) 741-1278

## Basic Price List for Names of Registered Voters

### Computer Printouts

Three (3) cents per name for a straight  
name list

Five (5) cents per name plus the cost of  
the labels

### Computer Diskettes

Minimum set up fee of \$35.00  
Maximum set up fee of \$75.00

*The prices herein reflect the uniform pricing system established by the Tennessee State Election Commission on 4/27/2010 for the sale of voter registration list of county voters. No county election commission may charge more without formally requesting an increase before the State Election Commission.*

Williamson County Election Commission  
1320 West Main Street – Suite 140  
Franklin, Tennessee 37064  
(615) 790-5711  
Fax (615) 790-5617



Robert D. Brown, Chairman  
Dana M. Smyth, Secretary  
Paula C. McCord, Member  
Thomas E. Murdic, Member  
Phyllis Streiff, Member  
Ann Beard, Administrator of Elections

## INVOICE

### WILLIAMSON COUNTY ELECTION COMMISSION REQUEST FOR PURCHASE OF CD, LIST, LABELS, E-MAILS AND FAX'S OF VOTER INFORMATION

- COST: (1) Emailed list of DBF, CSV or SDF format (\$1 set-up plus 2 cents per name) \_\_\_\_\_
- (2) Printed or Faxed lists------(25 cents per page)\_\_\_\_\_
- (3) Email List in PDF format (25 cents per page) \_\_\_\_\_
- (4) Mailing Labels (5 cents per label) \_\_\_\_\_
- (5) CD-----D-Base or ASCII Format
- Base Fee with one (1) set up: \$50.00 \_\_\_\_\_
- Each Additional set up: \$50.00 \_\_\_\_\_
- Total Due for this Order: \_\_\_\_\_

I agree to pay this TOTAL amount due when this order is picked up. As required by TCA 2-2-138, I certify that the voter information I am purchasing with this order is for POLITICAL PURPOSES. I am aware that false certification made pursuant to this subsection (d) is a B misdemeanor punishable only by a fine of \$500.

Signature: \_\_\_\_\_  
Purchaser

DATE: \_\_\_\_\_