

Minutes
State Election Commission Meeting
March 11, 2013

The State Election Commission meeting was called to order by Acting Chairman Jimmy Wallace at 12:20 p.m., Central Standard Time March 11, 2013. The following members and staff were present: Commissioners, Blackburn, DuBois, Duckett, Head, Wallace and Wheeler, Coordinator of Elections Mark Goins; Assistant Coordinator of Elections Beth Henry – Robertson, Elections Attorney Andrew Dodd and Kathy Summers, Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from February 11, 2013.

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 by commission members and to remain open until the close of business (4:30 p.m. Central Standard Time). (See attached list of appointments made.)

Old Business

- Coordinator Goins gave an overview of where the Elections Division is on completing a report on the Davidson County Election Commission. The final report will be presented to the State Election Commission (SEC) on April 8, 2013.

New Business

- Coordinator Goins advised SEC members that for the first time in history all 95 counties have a certified Administrator of Elections. The most recent certification test was given on February 22, 2013 and the following passed the test:

Ann Ayers-Colvin	Campbell County
Dorinda Mankin	Cannon County
Martie Davis	Hickman County
Maybell Stewart	Washington County

A motion was made; seconded and unanimously approved to certify those individuals passing the certification exam that was given on February 22, 2013.

- Commissioner Blackburn discussed the McMinn County Election Commissioner who has been requested to serve as the delinquent tax attorney for the McMinn County Trustee. TCA§ 2-1-112 restricts CEC members from holding a governmental office and being a

county election commissioner. A 1099 would be issued to him by the County Trustee. Mr. Richardson would like the commission to advise him if he could be on the CEC and collect delinquent taxes for the County Trustee. (See attached e-mail to SEC members.)

A motion was made; seconded and unanimously approved to advise Commissioner Richardson the State Election Commission views him as a State employee.

- Commissioner Blackburn discussed pending legislation affecting the State Election Commission. Specifically, Commissioner Blackburn discussed streaming videoing of the SEC meetings.

A motion was made; seconded and unanimously approved to notify Senator Kyle that SEC members are in support of SB 1085, video streaming of SEC meetings, and the Commission would like an amendment to exempt telephonic meetings as anyone interested in participating telephonically may call and participate by phone.

Coordinator Update

- Coordinator Goins spoke regarding several pieces of elections legislation.

The next meeting is April 1, 2013. The meeting will be held in the William R. Snodgrass – Tennessee Tower, 3rd Floor, Cannon Room at NOON Central Standard Time.

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,


Tom Wheeler, Secretary 4/21/2013
State Election Commission

Vacant Status

11-Mar-13

Sevier

D Tom Wheeler

R Judy Blackburn

D

Sumner

D Tommy Head

R Tom DuBois

R

Total Vacancies: 2

Holdover Status

11-Mar-13

		Appointment	Reappointment
Gibson			
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
Haywood			
D	Greg Duckett		
R	Jimmy Wallace		
	D Aubrey Lee Bond	4/3/1995	4/6/2009
	D Ida Ruth Bradford	4/3/1995	4/6/2009
Henderson			
D	Greg Duckett		
R	Jimmy Wallace		
	D Cornelia T. Morris	4/3/1995	4/6/2009
	D Pope Thomas	4/17/2001	4/6/2009
Total Holdovers: 6			

New Appointment Status

11-Mar-13

		Appointment
Sevier	D Tom Wheeler / R Judy Blackburn D Elizabeth S. Pierce	3/11/2013
Sumner	D Tommy Head / R Tom DuBois R Allen Ehmling	3/11/2013
Total New Commissioners: 2		

Tre Hargett, Secretary of State
State of Tennessee



Division of Elections
312 Rosa L. Parks Avenue, 9th 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: March 5, 2013

Subject: Results of the February 22, 2013 Certification Exam

On February 22, 2013, this office administered a certification exam.

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

Ann Ayers-Colvin (Campbell County)
Dorinda Mankin (Cannon County)
Martie Davis (Hickman County)
Maybell Stewart (Washington County)

Kathy Summers

From: Wylie Richardson [wrichardson@crylaw.net]
ent: Tuesday, March 05, 2013 11:01 AM
To: KentYounce@comcast.net; TomWheeler2@comcast.net; judyblackburn@musfiber.com; tdubois@duboislegal.com; Greg.Duckett@BMHCC.org; jtommyhead@gmail.com; wh@aeneas.net; Mark Goins; Kathy Summers
Subject: Potential Conflict

Dear Sate Election Commissioners:

I currently serve as the chairman of the McMinn County Election Commission. I also practice law in the local area. Recently, the McMinn County Trustee asked me to serve as the delinquent tax attorney McMinn County for the 2011 tax year. Upon reviewing TCA 2-1-112, I thought I may need to seek an opinion concerning any potential conflict. In short, I am being hired by the McMinn County Trustee to bring a civil action to collect 2011 delinquent property taxes. Compensation for the legal services is controlled by TCA 67-5-2404 which mandates that compensation shall not exceed ten percent of all delinquent taxes collected. My compensation rate would in fact be set at the rate of ten percent of all delinquent taxes collected for the 2011 tax year. TCA 67-5-2502 also provides that the court shall set a reasonable fee for services in searching public records to provide notice to persons having an interest in property to be sold.

My impression after reading the applicable law is that my services would be those of an independent contractor rather than as an employee as contemplated by TCA 2-1-112. In fact, the McMinn County Clerk & Master has advised me that I will receive a Form 1099 each year for any compensation received. Nevertheless, I am requesting an opinion concerning whether this arrangement would violate TCA 2-1-112 if I continued to serve on the McMinn County Election Commission. Based upon my discussions with staff for the State Election Commission, I understood that this matter will need to be reviewed by the State Election Commission. I ask that this matter be placed on the agenda for the March 11, 2013 or for the April 1, 2013 for consideration. My duties concerning collection of 2011 delinquent taxes will begin on April 1, 2013 when a lawsuit will be filed with the McMinn County Chancery Court. Of course, any compensation for my services would begin sometime thereafter as delinquent taxes are collected. I apologize for the urgency of the request but this question only recently came to my attention. Any assistance you can provide will be greatly appreciated.

Sincerely,

R. Wylie Richardson
McMinn County Election Commissioner