

Minutes
State Election Commission Meeting
May 12, 2014

The State Election Commission meeting was called to order by Chairman Jimmy Wallace at 12:05 p.m., Central Standard Time, May 12, 2014. The following members and staff were present: Commissioners Blackburn, Head, and Younce; Assistant Coordinator of Elections Beth Henry-Robertson, Andrew Dodd, Elections Attorney and Kathy Summers, Elections Specialist.

Commissioner Younce made a motion to adopt the minutes from April 14, 2014, and Commissioner Head seconded the motion and the minutes were unanimously approved.

Commissioner Head made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Blackburn and unanimously approved the acceptance of nomination for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, May 12, 2014. **(See attached list of appointments made.)**

Old Business

- **Hamilton County – Deferred the review of the use of Intab ballot/supply bags.**
- **Revised voting machine certification policy –** The commissioners reviewed the voting machine policy as revised. The policy allows automatic certification of voting machines when the change is de minimis and the voting machine receives EAC certification for the change.

Commissioner Head made a motion to adopt the revised voting machine policy and Commissioner Younce seconded the motion. The motion to revise the voting machine policy was unanimously approved. **(See attached revised policy.)**

New Business

Greene County - State Election members discussed the request made by Donna Burgner, Greene County Election Commission. The Town of Greeneville is holding their regular city election on June 3, 2014, which is during the Summer Seminar. Mrs. Burgner would like to be excused from the Summer Seminar due to the election being held in Greeneville. **(See attached request.)**

A motion was made by Commissioner Blackburn and seconded by Commissioner Younce to excuse Donna Burgner from the seminar. The motion was unanimously approved.

- **Appointment of new election commission member to fill the vacancy on the State Election Commission** - Commissioner Tom DuBois resigned from the State Election Commission. The General Assembly did not name a replacement before they adjourned. The State Election Commission has thirty (30) days to name a replacement.

A motion was made by Commissioner Blackburn and seconded by Commissioner Younce to appoint Donna Barrett to fill the vacancy on the State Election Commission. The motion to appoint Donna Barrett to the State Election Commission was unanimously approved.

- **Election of Chairman** – Term to begin June 1, 2014

A motion was made by Commissioner Younce and seconded by Commissioner Head to appoint Judy Blackburn as Chairman of the State Election Commission. The motion was unanimously approved to appoint Judy Blackburn as Chairman of the State Election Commission.

- **Election of Secretary** - Term to begin June 1, 2014

A motion was made by Commissioner Blackburn and seconded by Commissioner Younce to appoint Tommy Head as Secretary of the State Election Commission. The motion to appoint Tommy Head as Secretary of the State Election Commission was unanimously approved.

Coordinator Update – Given by Beth Henry–Robertson, Assitant Coordinator of Elections

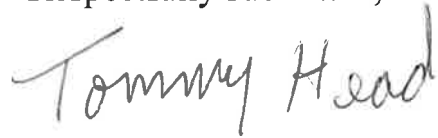
- The Tennessee Association of County Election Officials will meet June 1-3, 2014 in Nashville at Opryland Hotel. State Election Commissioners who want to attend will need to let Kathy Summers know which days they plan on attending.

Commissioner Younce asked about the letter from Maury County Election Commission censuring a fellow county election commissioner who voted in the opposite party primary than appointed to represent. The commission suggested this be discussed at the next regular meeting in July.

The next regularly scheduled meeting is July 14, 2014. The meeting will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3rd floor at 12:00 Noon Central Standard Time.

A motion was made by Commissioner Younce and seconded by Commissioner Blackburn to adjourn. The motion to adjourn was unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tommy Head". The signature is written in dark ink and is positioned above the printed name.

Tommy Head, Acting - Secretary
State Election Commission

Holdover Status

12-May-14

		Appointment	Reappointment	
Benton				
D	Greg Duckett			
R	Jimmy Wallace			
	D	Ronnie Pruiett	6/17/2008	4/11/2011
	D	Dinah S. (Diane) Latimer	10/8/2012	10/8/2012
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
Total Holdovers: 4				

Vacant Status

12-May-14

Moore

D Tommy Head
R Tom DuBois

D

Stewart

D Greg Duckett
R Jimmy Wallace

R

Total Vacancies: 2

New Appointment Status

12-May-14

Stewart

D Greg Duckett / R Jimmy Wallace

R J. Ray Sexton

Appointment

5/12/2014

Total New Commissioners: 1

Peggy A. McCamey, Chairman
William West, Secretary
Avery Ayers, Member
Ben Hankins, Member
Richard Keller, Member

Greene County Election Commission
218 N. Main Street, Suite #1
Greeneville, Tennessee 37745

Donna A. Burgner,
Administrator of Elections

Phone: (423) 798-1715 Fax: (423) 798-1719
E-mail: ElectionCommission@greencountytn.gov.com

April 5, 2014

Mark Goins, Coordinator of Elections
Tennessee Division of Elections
312 Rosa L. Parks Avenue
7th Floor, William Snodgrass Tower
Nashville, TN 37243

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In Regards To: Leave of Absence Request (2014 Summer Seminar)

Dear Mr. Goins:

This letter is a formal request for a leave of absence from the 2014 Summer Seminar. The Town of Greeneville has requested for their Municipal Election to be held on Tuesday, June 3, 2014.

Therefore, I respectfully submit this request so that the Election Commissioners and I may be granted leave from the Seminar in order to be present in Greene County to attend to the various matters that may arise on Election Day.

I apologize for any inconvenience caused by my request. Please let me know if I can provide any further information, or if you have any questions or concerns. Your time and consideration in regards to this matter is greatly appreciated. *Thank You!*

Respectfully,

Greene County Election Commission



Donna A. Burgner,
Administrator of Elections

MAYOR
W. T. Daniels

ADMINISTRATOR
Todd M. Smith



ALDERMEN
Darrell M. Bryan
Buddy C. Hawk
Keith W. Paxton
Sarah E. T. Webster

GREENEVILLE

T E N N E S S E E

December 11, 2013

Donna A. Burgner
Administrator of Elections
Greene County Election Commission
218 N. Main St., Suite 1
Greeneville, TN 37745

COPY

Dear Ms. Burgner:

Please consider this a formal request for an election to be held on June 3, 2014 as follows:

Mayor of the Town of Greeneville	At Large
Two aldermen to the Greeneville Board of Mayor and Aldermen	Second Ward
One member to the Greeneville Board of Education,	At Large

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Said election notice should be published in the Greeneville Sun. Qualifications may be found in the Town of Greeneville charter (page C-7) attached and applicable State Code.

Best Regards,

W.T. Daniels
Mayor

Cc: Ron Woods, City Attorney

Attachment

Time Received Mail
Greene County Election Comm.

DEC 16 2013
BR
218 N. Main St., Suite 1
Greeneville, TN 37745

elected under the present charter of said town. The present Mayor and Aldermen of said town shall continue in office as Mayor and Aldermen respectively of said town as enlarged until their respective terms of office shall expire, at which time their successors shall be elected as said Mayor and Aldermen of said town are now elected under the present charter. No person shall be Mayor or Alderman unless he be a citizen of the State of Tennessee and county of Greene, and a bona fide resident within said town of Greeneville. Each Alderman shall be resident of the ward from which he is elected and shall have resided within said ward for one year before his election, and any Alderman removing from the ward from which he is elected after his election shall thereby vacate his office. All vacancies in the office of Mayor or Alderman shall be filled by the vote of the majority of the remaining members of the board, cast by ballot. An election filling such vacancies shall be only for the unexpired term of the member causing the vacancy. Provided, that the Board of Mayor and Aldermen of said town until the first Thursday in June, 1904, shall consist of J. J. Mitchell, as Mayor; M. P. Reeves, W. P. Campbell, James Mahoney, and E. J. Bromley as Aldermen, at which time an election shall be held at which a Mayor shall be elected for the term of two years, and four Aldermen, one-half of the Aldermen to be elected for one year and the other half for two years and their successors annually thereafter. Such officers as may be necessary for the proper administration of municipal affairs will be elected by the Mayor and Aldermen.¹ After the election in June, 1904, when one-half the Aldermen shall be elected for one year, the term of office of all officers of said town elected by the qualified voters thereof shall be for two years, and until their successors are elected and qualified.

Said Town of Greeneville shall consist of only two Wards to be marked and divided by Church Street in said Town, the territory lying North of Church Street to constitute the First Ward, and the territory lying South of Church Street to constitute the Second Ward of said Town. [As amended by Acts 1907, ch. 64, § 1; Priv. Acts 1911, ch. 647, § 3; Priv. Acts 1915, ch. 158; and Priv. Acts 1961, ch. 119]

Sec. 3. All persons owning real estate of a taxable value of one hundred dollars or over within such corporation, all person living therein and who have been residents thereof for six months previous to said election and all persons owning personal property of a taxable value of one hundred dollars or over, taxable above exemptions in said corporation and who are entitled to vote for members of the General Assembly shall be entitled to vote in elections in said municipality.

Time Received Mail - Town of Greeneville
Greene County Election Comm.

DEC 16 2013

SR

218 N. Main St., Suite 1
Greeneville, TN 37745

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2014 APR 22 10 AM '14

¹For applicable civil service provisions, see Priv. Acts 1953, ch. 179, as set out on pages C-35 to C-46 herein.

TOWN OF
GREENEVILLE, TENNESSEE

200 N. COLLEGE STREET
GREENEVILLE, TENNESSEE 37745-5091

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Time Received Mail
Greene County Election Comm.

DEC 16 2013
218 N. Main St., Suite 1
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Donna A. Burgner
Administrator of Elections
Greene County Election Commission
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Greeneville, TN 37745



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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 25,000 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.)

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.

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:

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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 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.

MAURY COUNTY ELECTION COMMISSION

Tiny Jones
Chairman

1207A TRADEWINDS DRIVE
COLUMBIA, TENNESSEE 38401
TELEPHONE (931) 375-6001

Todd Baxter
Administrator of Elections

Jerry Colley
Secretary

Brandi Cothron
Chief Deputy

S. Jason Whatley
Lynn Nelson
Bill Anderson
Members

Sylvia Givens
Erin Shouse
Deputies

May 6, 2014

Mr. Mark Goins
State Election Coordinator
312 Rosa L. Parks Avenue
Seventh Floor, Snodgrass Tower
Nashville, Tennessee 37243

Dear Mr. Goins:

The enclosed resolution was passed by the Maury County Election Commission, at their May 5, 2014 meeting. In addition, the Election Commission requested that a copy be forwarded for consideration by the State Election Commission.

If you have any questions, do not hesitate to call. As always, thank you for your help and cooperation.

Sincerely,



Todd Baxter, Administrator of Elections
Maury County Election Commission

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2014 MAY -7 AM 11:03

SECRETARY OF STATE
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Whereas Lynn C. Nelson has been appointed to the Maury County Election Commission as representative of the Democratic Party and is a Vice-President of the Maury County Democratic Party ;

Whereas Tennessee Election Laws 2-7-115 states:

(b) A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if:

(1) The voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or

(2) At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party;

Whereas Lynn C. Nelson, having no intention to declare allegiance to the Republican Party or to affiliate with the Republican Party, nor being a bona fide member of the same, did vote in the Maury County Republican primary on Saturday April 26, 2014; and

Wherefore, despite years of honorable and selfless service to the Maury County Election Commission, the Maury County Election Commission does hereby censure the conduct of Lynn C. Nelson and also hereby resolves that the State of Tennessee Election Commission consider Lynn C. Nelson for removal from the Maury County Election Commission or such other response as the State of Tennessee Election Commission deems appropriate.

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Election official censured



By VANESSA CURRY
vcurry@c-dh.net

Maury County's Election Commission on Monday censured one of its Democratic members and is asking state officials to consider removing him from office for voting in the local Republican primary.

The board voted 3-2 to censure commissioner Lynn C. Nelson of Columbia, the vice president of the Maury County Democratic Party who served as a Tennessee delegate to the national Democratic Party Convention in 2012.

Commissioner Jerry Colley joined Nelson in voting against the motion to censure. Colley, also a Democrat, said he believes Nelson did not know a state statute limits voting in a primary to a bona fide member of the sponsoring party or a voter who declares allegiance to that political party.

"I don't think I even knew that," Colley said.

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Tiny Jones, the election commission's chairwoman, said Nelson defended his actions on Monday by saying he believed he has the right to vote since he is a taxpayer, and tax dollars paid for the election. Nelson did not return a telephone message seeking comment left at his home on Monday.

Although recognizing Nelson's "years of honorable and selfless service to the Maury County Election Commission," the commission's resolution also resolved that the Tennessee Election Commission consider removing Nelson from his office or "such other response" as that office deems appropriate.

"This commission acted with wisdom, patience and grace," Jones said. "I think those three words appreciate the fact that this was dealt with in an appropriate manner."

Commission member Jason Whatley said Monday's action was unfortunate, but necessary.

"Contrary to many public pronouncements by various people, a party primary is not open to anyone to come and essentially make a mockery of the process," he said. "People who disagree with that are disagreeing with the law and they're demonstrating a gross misunderstanding of what the law says. This system is based on good faith and the trust of those who seek to vote in that election. Some might say that's a reckless system and it ought to be changed, but until it is changed, good faith is the defense that the system has."

Tuesday's primary is the first-ever local Republican party election in Maury County and has caused some confusion about who is eligible to cast a ballot. Although all registered voters may vote in the primary, voting is generally limited to party members or those who intend to affiliate with that party.

A designated poll watcher may challenge a voter at the polling location if he believes the voter is not qualified to cast a ballot in a specific primary. That challenge then is reviewed by a panel of three poll judges. There are no designated poll watchers for this election.

"We were disappointed that Lynn did that. We didn't discuss it before hand," Maury County Democratic Party Chairman Gregg Hanners said. "But my understanding is Lynn and Mike didn't get along when they worked together. It (vote) wasn't political. It was personal."

Last week, Maury County Republican Party Chairwoman Pat Junkin addressed concerns about cross-over voting in the primary and indicated those who did vote could receive a membership card and a bill for party dues. In an email message on Monday, Junkin said voters will not be receiving a bill but could receive a membership card "as a welcoming courtesy."

Monday's challenge came from Bill Anderson, an election commissioner and a member of the Maury County Republican Party's executive committee. He said a Republican mayoral candidate told him Nelson had voted. Anderson declined to identify that candidate.

Anderson said he then checked the voting records — which are public records — and learned Nelson had voted on April 26. He said he also checked another name given to him and learned that person had not voted.

Republican mayoral candidate Mike Bennett confirmed Monday that he reported Nelson's "unethical actions" to Junkin after hearing Nelson speak on April 7 during a United Auto Workers Local 1853 retiree meeting. Both Bennett and Nelson previously worked for Saturn, which is now General Motors.

Bennett said Nelson apparently was unaware of Bennett's presence at the meeting when he stood up and encouraged members to vote against the candidate because he is a "traitor to the Democratic party" and a "traitor to the UAW" for running as a Republican.

Bennett said Nelson also stopped to speak to Bennett's wife, who was campaigning for her husband on Tradewinds Drive, and told her he was voting against him.

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Tweets section with 'Follow' button and three tweets from 'The Daily Herald' (@thedailyherald) regarding election news and a spelunking article.



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