

**Minutes**  
**State Election Commission Meeting**  
**January 12, 2015**

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The State Election Commission meeting was called to order by Chairman Judy Blackburn at 12:08 p.m., Central Standard Time, January 12, 2015. The following members and staff were present: Chairman Blackburn; Commissioners Barrett, Duckett, Head, Wallace, Wheeler and Younce; Coordinator of Elections Mark Goins, EAS System Administrator Steve Griffy and Kathy Summers, Elections Specialist.

Commissioner Wheeler made a motion to adopt the minutes from October 13, 2014, Commissioner Duckett seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, Duckett, Head, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Head made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Duckett and unanimously approved by the commission to accept the 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, January 12, 2015. (Aye votes: Barrett, Blackburn, Duckett, Head, Wallace, Wheeler and Younce; No votes: None; Abstention: None.) **(See attached list of appointments made.)**

**Old Business**

- **None**

**New Business**

- Pursuant to TCA § 2-2-137(c) the State Election Commission is required to review and certify voter registration vendors purchased and used in Tennessee. The State Election Commission reviewed the following vendors:
  - **Embry Consulting** – Dave Embry made the presentation for Embry Consulting. Mr. Embry serves seventy - seven (77) counties in Tennessee. The software system runs on Windows. Embry consulting currently has two (2) employees and is looking at hiring another person.
  - **Kidd and Kidd** – Jerry Kidd made the presentation for Kidd and Kidd. Mr. Kidd has eight (8) counties and is the primary employee of Kidd and Kidd. There are two (2) contract employees for Kidd and Kidd who are on call as needed. Mr. Kidd indicated he currently serves only Tennessee counties. Other states in which Mr. Kidd previously served were:

Georgia, Missouri, North Carolina, Connecticut, Ohio, Indiana and Kentucky. The software system offered by Kidd and Kidd is DOS based and Mr. Kidd stated the software is compatible with Windows.

- **Local Government Data Processing Corporation** – Becky Ray, Christina Norwood and Brannon Knowles made the presentation for Local Government Data Processing Corporation and they currently have five (5) county election commissions as clients. Local Government is located and headquartered in Columbia, TN and they primarily serve County Trustees and County School Boards. The company has clients in Alabama, Georgia, Kentucky, Mississippi and Tennessee. There are a total of one hundred and twenty-three (123) employees.
- **ES&S** – Mac Beeson, Josh Guinn and Perry Gaddis gave the presentation for ES&S. Currently, Davidson County is the only county in Tennessee which uses their voter registration system. Mac Beeson stated that ES&S is the largest election system and software company in the country with (450) employees. The voter registration division of ES&S has seven (7) statewide voter registration systems across the country.

The State Election Commission did not take a vote on the systems reviewed.

- **Review of the State Election Commission voting machine policy.** – Coordinator Goins indicated the commission requested the policy be reviewed at this meeting. Several voting machine vendors have expressed it is hard to find a test election outside of Tennessee. The vendors would like for the state to conduct field testing in Tennessee and possibly lower the population threshold for viewing and certifying voting machines.

Commissioner Head made a motion to table the discussion of changing the voting machine policy. Commissioner Duckett seconded the motion and the motion to table the review of the voting machine policy was unanimously approved. (Aye votes: Barrett, Blackburn, Duckett, Head, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

### **Coordinator Update**

- **Van Buren County** - Van Buren County had a fire and it is believed it is a complete loss for the county election commission. The Election's Division was able to find and provide a computer from another county to the election commission. Van Buren did not have their voter signatures scanned into their system. The county will be required to obtain another hard copy from the voters as voter signatures are used to verify petitions, absentee ballot requests and to vote.

- **Letter to General Assembly Regarding County Election Commission Appointments** – The commission reviewed the letter to the General Assembly members regarding county election commission appointments.

Commissioner Donna Barrett requested the letter be sent to the General Assembly members immediately and that the letter include a deadline date of March 1, 2015 for the General Assembly members to provide their information to State Election Commission members.

- **State Election Commission Sunset** – State Election Commission Sunset hearings will be this year and the commission is set to Sunset in 2016.
- **State Election Commission Appointment** – The election of State Election Commission members should be held prior to the fourth Monday in March (March 23, 2015) and the term of office will begin the first Monday in May (May 4, 2015). The election is to take place in joint session of both houses. The term of office is for four (4) years.
- **Vigo, Indiana** – Unisyn would like the State Election Commission to view their OVI (ADA unit for the Unisyn system) in an election on May 5, 2015 in Terre Haute, IN.

On April 6, 2015, the State Election Commission will meet to make county election commission appointments. The next regularly scheduled meeting is set for April 13, 2015. Both meetings will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3<sup>rd</sup> floor at 12:00 Noon Central Standard Time.

Chairman Blackburn adjourned the meeting.

Respectfully submitted,



Tommy Head, Secretary  
State Election Commission

# Vacant Status

12-Jan-15

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## Anderson

D Tom Wheeler  
R Kent Younce

R

R

## Bedford

D Tommy Head  
R Donna Barrett

D

## Cocke

D Tom Wheeler  
R Judy Blackburn

R

R

## Pickett

D Tommy Head  
R Kent Younce

R

## Stewart

D Greg Duckett  
R Jimmy Wallace

R

## Weakley

D Greg Duckett  
R Jimmy Wallace

D

**Total Vacancies: 8**

# New Appointment Status

12-Jan-15

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		Appointment
<b>Anderson</b>	D Tom Wheeler / R Kent Younce	
	R Debra Jane Miller	1/12/2015
	R William Thomas Gallaher	1/12/2015
<b>Cocke</b>	D Tom Wheeler / R Judy Blackburn	
	R Vaughn Lewis Moore	1/12/2015
	R Michael Arthur McCarter	1/12/2015
<b>Stewart</b>	D Greg Duckett / R Jimmy Wallace	
	R Charles Parks, Jr.	1/12/2015
<b>Weakley</b>	D Greg Duckett / R Jimmy Wallace	
	D Renee LeFleur	1/12/2015
<b>Total New Commissioners: 6</b>		



State of Tennessee

PUBLIC CHAPTER NO. 880

SENATE BILL NO. 1999

By Yager

Substituted for: House Bill No. 2320

By Powers

AN ACT to amend Tennessee Code Annotated, Section 2-2-137 and Section 2-2-138, relative to voter registration systems.

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

SECTION 1. Tennessee Code Annotated, Section 2-2-137(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Beginning January 1, 2015, the coordinator of elections and the state election commission shall certify each voter registration system for purchase and use in the state. Subject to the concurrence of the state election commission, the coordinator of elections may make rules and policies as are necessary to carry out this subsection (c). In determining whether a voter registration system may be certified, the coordinator of elections and the state election commission shall consider, at a minimum, the following:

(1) The compatibility of the voter registration system with any statewide system being operated by the secretary of state's office;

(2) The history of ethical conduct in the sales of the voter registration system by the manufacturer or seller; and

(3) The ability of the manufacturer or seller of the voter registration system to provide adequate professional assistance and service to the counties of the state.

SECTION 2. Tennessee Code Annotated, Section 2-2-138(b), is amended by designating the existing language as subdivision (b)(1) and by adding the following language:

(2) The list, and any other voter registration information, shall be the property of the county election commission and the state. Any vendor of the county election commission having access to the voter registration data shall only use such data to service the county election commission and shall be prohibited from using such data other than for purposes of assisting the county election commission and the coordinator of elections. Non-authorized use by the vendor of the data shall constitute a Class B misdemeanor and grounds for decertification by the state election commission.

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

SENATE BILL NO. 1999

PASSED: April 14, 2014

  
\_\_\_\_\_  
RON RAMSEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 1st day of May 2014

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR

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Donna Barrett  
2225 SE Broad Street  
Murfreesboro, TN 37127  
(615) 896-5571

## State of Tennessee



Jimmy Wallace  
428 Wiley Parker Road  
Jackson, TN 38305  
(731) 668-2700

Judy H. Blackburn  
1011 Heykoop Drive  
Morristown, TN 37814  
(423) 586-5828

**State Election Commission**  
312 Rosa L. Parks Avenue, 9th Floor  
Nashville, Tennessee 37243-1102

Tom Wheeler  
1196 Blockhouse Valley Road  
Clinton, TN 37716  
(865) 548-6159

Gregory M. Duckett, Esq.  
350 N. Humphreys Blvd  
Memphis, TN 38120  
(901) 227-5233

Kent D. Younce  
423 Fairway Drive  
Lafollette, TN 37766  
(423) 871-0245

Tommy Head  
1026 Hazel Drive  
Clarksville, TN 37043  
(931) 362-3229

November 19, 2014

Mr. Mac Beeson  
ES&S  
11208 John Gait Blvd  
Omaha, Nebraska 68137

Dear Mr. Beeson,

This letter is to advise you the State Election Commission is now required to certify each voter registration system which is purchased and used in Tennessee. The State Election Commission plans on reviewing voter registration software vendors at its next meeting on January 12, 2015.

Please let us know if you could make a short presentation regarding your voter registration software system at the meeting on January 12, 2015. You may contact Kathy Summers at (615) 253-4585 to confirm and make arrangements for your demonstration.

Please contact me should you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Judy H. Blackburn".

Judy H. Blackburn  
Chairman, State Election Commission

JHB:krs

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November 19, 2014

Mr. Dave Embry  
Embry Consulting  
6673 State Hwy 189  
Friendship, TN 38030

Dear Mr. Embry,

This letter is to advise you the State Election Commission is now required to certify each voter registration system which is purchased and used in Tennessee. The State Election Commission plans on reviewing voter registration software vendors at its next meeting on January 12, 2015.

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November 19, 2014

Mr. Jerry Kidd  
Kidd & Kidd, Inc.  
704 South Tennessee Avenue  
Lafollette, TN 37766

Dear Mr. Kidd,

This letter is to advise you the State Election Commission is now required to certify each voter registration system which is purchased and used in Tennessee. The State Election Commission plans on reviewing voter registration software vendors at its next meeting on January 12, 2015.

Please let us know if you could make a short presentation regarding your voter registration software system at the meeting on January 12, 2015. You may contact Kathy Summers at (615) 253-4585 to confirm and make arrangements for your demonstration.

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Judy H. Blackburn  
Chairman, State Election Commission

MKG:krs

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November 19, 2014

Ms. Becky Ray  
Local Government Data Processing Corporation  
714 Armstrong Lane  
Columbia, TN 38401

Dear Ms. Ray,

This letter is to advise you the State Election Commission is now required to certify each voter registration system which is purchased and used in Tennessee. The State Election Commission plans on reviewing voter registration software vendors at its next meeting on January 12, 2015.

Please let us know if you could make a short presentation regarding your voter registration software system at the meeting on January 12, 2015. You may contact Kathy Summers at (615) 253-4585 to confirm and make arrangements for your demonstration.

Please contact me should you have additional questions.

Sincerely,

Judy H. Blackburn  
Chairman, State Election Commission

JHB:krs

# 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.)

### **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, 7<sup>th</sup> 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.