

**Minutes**  
**State Election Commission Meeting**  
**May 14, 2012**

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The State Election Commission meeting was called to order by Chairman Judy Blackburn at NOON, Central Standard Time May 14, 2012. The following members and staff were present: Chairman Blackburn; Commissioners DuBois, Head, Wallace and Younce, Coordinator of Elections Mark Goins; and Kathy Summers, Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from April 9, 2012.

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 appointment as submitted by commission members and to leave the nomination process open until 4:30 p.m., Central Standard Time, May 14, 2012. (See attached list of appointments made.)

**Old Business**

- No old business discussed.

**New Business**

- State Election Commissioners discussed candidate names. Specifically, they discussed the way the candidate wants to appear on the ballot. TCA§2-5-204(c) allows the State Election Commission to require further identifying information if the candidate name is confusing or misleading. The commission may omit any misleading or confusing information. (See attached list of candidate names reviewed.)

Motion was made, seconded and unanimously approved to change United States Senate candidate David Gatchell's name as it is requested to appear on the ballot. Mr. Gatchell requested to appear as David "None of the Above" Gatchell. State Election Commissioners changed the name to appear as David Gatchell.

Motion was made, seconded and unanimously approved to change United States Senate candidate James Higdon's name as it is requested to appear on the ballot. Mr. Higdon requested to appear as James Tea-Party Higdon. State Election Commissioners changed the name to appear as James Higdon.

- Chairman Judy Blackburn requested Coordinator Goins to discuss the failure of the Davidson County Election Commission to be open for

early voting on the first Saturday during the March Presidential Preference Primary (PPP).

Coordinator Goins stated the reason for discussion at this meeting is to determine if there will be a show cause hearing for the Davidson County Election Commission and Administrator Albert Tieche. In 2011, all county election commissions were provided a timeframe reference manual for the 2012 election cycle. The reference manual detailed dates for voting early including Saturday voting. The election calendar was posted on the elections training site and on the Secretary of State – Elections Division website in November 2011. Information was also provided and discussed at the regional seminar(s) which required early voting on all Saturday's. Mr. Tieche and several members of the Davidson County Election Commission attended the Middle TN seminar.

Coordinator Goins recommended if a show cause hearing was merited the hearing be held in February 2012. At issue would be early voting hours for the March 6, PPP Election.

Davidson County Election Commission members present were as follows:

- Lynn Greer – Chairman
- Eddie Bryan – Secretary
- Steve Abernathy – Member
- Patricia Heim – Member
- A. J. Starling – Member

Also present was Albert Tieche, Administrator of Elections for Davidson County.

Davidson County Election Commission (DCEC) members spoke to the State Election Commission and provided information showing dates and times set directing Mr. Tieche to hold early voting for the PPP. The schedule voted on by the DCEC included the Saturday which was not open for voting.

Motion was made, seconded and unanimously approved to not have a show cause hearing for the Davidson County Election Commission members, as sufficient proof was shown the commission directed the Administrator of Elections to conduct early voting for the PPP election which included Saturdays.

The State Election Commission heard from Albert Tieche, Administrator of Elections for Davidson County. Mr. Tieche stated he did not intentionally violate state law and not being open was his error.

Chairman Lynn Greer spoke to the SEC members and advised them a letter of written reprimand has been placed in Mr. Tieche's personnel file. Chairman Greer does not think Mr. Tieche willfully and intentionally broke

the law. Mr. Tieche made a mistake and should be forgiven for his mistake. Mr. Greer does not know what would be accomplished by a show cause hearing. Davidson County Election Commission has accepted Mr. Tieche's apology and Chairman Greer wants the State Election Commission to accept the apology as well.

After discussion a motion was made, seconded and unanimously approved not to have a show cause hearing but to reprimand Albert Tieche, Davidson County Administrator of Elections, for mistakes made during the Presidential Preference Primary election and for Mr. Tieche to acknowledge and accept the State Election Commission reprimand, failure to accept the reprimand will merit a show cause hearing.

### **New Business - Continued**

- Election of State Election Commission – Chairman

Motion was made, seconded and unanimously approved that Kent Younce become Chairman, effective June 1, 2012.

- Election of State Election Commission - Secretary

Motion was made, seconded and unanimously approved that Tom Wheeler become Secretary, effective June 1, 2012.

### **Coordinator Update**

- Dominion Voting – Mark Beckstrand advised SEC members Democracy Suite, version 4.6, has received EAC certification to the 2005 certification standards.
- Cannon County – A draft copy of a letter from the State Election Commission to the Administrator of Elections for Cannon County Election Commission as voted on April 9, 2012 was reviewed.

Motion was made, seconded and unanimously approved the letter as drafted to be sent to Stanley Dobson, Cannon County Administrator of Elections.

The June and July meetings were changed to June 18 and July 16. The meetings will be held in the William R. Snodgrass – Tennessee Tower, 3<sup>rd</sup> Floor, Bedford Room at NOON Central Daylight 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,



Tommy Head – Secretary  
State Election Commission

# Vacant Status

14-May-12

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## Dickson

D Greg Duckett

R Tom DuBois

R

## Franklin

D Tommy Head

R Tom DuBois

D

**Total Vacancies: 2**

# Holdover Status

14-May-12

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		Appointment	Reappointment
<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>Haywood</b>			
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
<b>Henderson</b>			
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
<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>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>Total Holdovers: 10</b>			

# New Appointment Status

15-May-12

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		Appointment
<b>Franklin</b>	D Tommy Head / R Tom DuBois D Raymond Council	5/14/2012
<b>Humphreys</b>	D Greg Duckett / R Tom DuBois D David Westbrook	5/14/2012
<b>Total New Commissioners: 2</b>		

**State of Tennessee**  
**Department of State**  
Division of Elections  
312 Rosa L. Parks Ave

Candidate Names to be reviewed at the May 14, 2012 – State Election Commission Meeting

Candidate	How to appear on ballot	Office seeking
David Gatchell	David “None of the Above” Gatchell	United States Senate
James T. Higdon	James Tea-Party Higdon	United States Senate

**Note:** TCA§2-5-204(c) allows the State Election Commission to require further identifying information if the candidate name is confusing or misleading. The commission may omit any misleading or confusing information.

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

May 15, 2012

Mr. David Gatchell  
627 Riverview Drive  
Franklin, TN 37064

Dear Mr. Gatchell:

This letter is being sent to you at the request of the State Election Commission. At their meeting on May 14, 2012, the State Election Commission discussed the way you want your name to appear on the ballot.

TCA § 2-5-204(c) allows the State Election Commission to require further identifying information if the candidate name is confusing. The commission may also omit any misleading or confusing information.

The State Election Commission decided your name will appear on the ballot as David Gatchell as an independent candidate for United States Senate. "None of the Above" will be omitted.

If you should have any questions you may contact me at 615-741-7956.

Sincerely,

Mark K. Goins  
State Coordinator of Elections

# STATE OF TENNESSEE CANDIDATE NOMINATING PETITION

Select Type of Petition →

<input type="checkbox"/>	Primary Candidate
<input checked="" type="checkbox"/>	Independent Candidate
<input type="checkbox"/>	Municipal Candidate

We the undersigned registered voters in the city of N/A, in the county of \_\_\_\_\_

Williamson State of Tennessee, hereby nominate David Gatchell  
(name)  
627 Riverview Drive, Franklin, TN 37064  
(address)

as a candidate for the office of U.S. Senate N/A to be voted on in \_\_\_\_\_  
(office) (division, part or district number)

the general election, which will be held on the 6 day of November, 2012. We request that his/her name be printed on the official ballot.

This petition was issued by [Signature] 3/14/12  
(signature of election official) (date)

### \*\* TO BE COMPLETED BY THE CANDIDATE \*\*

I hereby direct that my name appear on the official ballot as follows, and I declare, under penalty of perjury, that I have reviewed the qualifications for the office sought herein and hereby certify that I meet said qualifications and that the information provided over my signature is true and correct.

David "None Of The Above" Gatchell  
PRINT NAME

627 Riverview Dr 37064 615-595-1966  
(residential address of candidate) (zip code) (residential phone)

S/A S/A S/A  
(business address of candidate) (zip code) (business phone)

CANDIDATE'S SIGNATURE David "None Of The Above" Gatchell  
(Required Under TCA 2-5-102)

T.C.A. 2-19-109 provides that a person who knowingly makes any false entry on an election document commits a class D felony.

### FOR JUDICIAL CANDIDATES ONLY:

By my signature, I hereby certify that I am licensed to practice law in this state.

\_\_\_\_\_  
(signature of candidate)

\_\_\_\_\_  
SUPREME COURT REGISTRATION NO.

### NOMINATING SIGNATURES

(must be registered voters who are eligible to vote to fill this office)

(Cannot sign for another - no ditto\*\* marks)

(Address as listed on registration - No P.O. Boxes)

- |                    |                      |
|--------------------|----------------------|
| 1. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 2. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 3. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 4. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 5. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 6. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |
| 7. Sign here _____ | Street address _____ |
| Print here _____   | City/state/zip _____ |

RECEIVED  
 2012 APR -5 AM 9:07  
 CLERK OF ELECTIONS

ORIGINAL DOCUMENT  
PHOTOCOPY CANNOT BE  
ACCEPTED TCA 2-5-102

CCPY

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

May 15, 2012

Mr. James Higdon  
522 Mountain Perkins Lane  
Jacksboro, TN 37757

Dear Mr. Higdon:

This letter is being sent to you at the request of the State Election Commission. At their meeting on May 14, 2012, the State Election Commission discussed the way you want your name to appear on the ballot.

TCA § 2-5-204(c) allows the State Election Commission to require further identifying information if the candidate name is confusing. The commission may also omit any misleading or confusing information.

The State Election Commission decided your name will appear on the ballot as James Higdon as an independent candidate for United States Senate. "Tea-Party" will be omitted.

If you should have any questions you may contact me at 615-741-7956.

Sincerely,

A handwritten signature in blue ink that reads "Mark K. Goins".

Mark K. Goins  
State Coordinator of Elections

PHOTOCOPIED COPY CANNOT BE ACCEPTED FOR A 2-5-102

STATE OF TENNESSEE  
CANDIDATE NOMINATING PETITION

Select Type of Petition →

<input type="checkbox"/>	Primary Candidate
<input checked="" type="checkbox"/>	Independent Candidate
<input type="checkbox"/>	Municipal Candidate

We the undersigned registered voters in the city of N/A in the county of Campbell  
 (for municipal elections)  
 State of Tennessee, hereby nominate James T. Higdon  
 (name)  
522 Mountain Perkins Lane, Jacksboro, TN 37757  
 (address)

as a candidate for the office of U.S. Senate N/A to be voted on in  
 (office) (division, part or district number)

the general election, which will be held on the 6 day of November, 2012. We request that his/her name be printed on the official ballot.

This petition was issued by Kristen Velleoff 02/22/12  
 (signature of election official) (date)

**\*\* TO BE COMPLETED BY THE CANDIDATE \*\***

I hereby direct that my name appear on the official ballot as follows, and I declare, under penalty of perjury, that I have reviewed the qualifications for the office sought herein and hereby certify that I meet said qualifications and that the information provided over my signature is true and correct.

James TEA-PARTY Higdon  
 PRINT NAME  
522 Mountain Perkins Ln, Jacksboro, TN 37757 423 871 6278  
 (residential address of candidate) (zip code) (residential phone)  
522 Mountain Perkins Ln, Jacksboro, TN, 37757 423 562 6278  
 (business address of candidate) (zip code) (business phone)

CANDIDATE'S SIGNATURE James T. Higdon  
 (Required Under TCA 2-5-102)

T.C.A. 2-19-109 provides that a person who knowingly makes any false entry on an election document commits a class D felony.

**FOR JUDICIAL CANDIDATES ONLY:**

By my signature, I hereby certify that I am licensed to practice law in this state.

(signature of candidate)

SUPREME COURT REGISTRATION NO.

RECEIVED  
 2012 MAR 20 AM 10:52  
 SECRETARY OF STATE  
 ELECTIONS

**NOMINATING SIGNATURES**

(must be registered voters who are eligible to vote to fill this office)

(Cannot sign for another - no ditto\*\* marks)

(Address as listed on registration - No P.O. Boxes)

- |  |   |
|--|---|
| 1. Sign here <u>Julie Higdon Lindsay</u> | Street address <u>137 Meadows Ln.</u>                             |
| Print here <u>Julie Higdon Lindsay</u>   | City/state/zip <u>Jacksboro TN, 37757</u> County <u>Campbell</u>  |
| 2. Sign here <u>Tony E. Lindsay</u>      | Street address <u>137 Michaela Ln.</u>                            |
| Print here <u>Tony E. Lindsay</u>        | City/state/zip <u>Jacksboro, TN 37757</u> County <u>Campbell</u>  |
| 3. Sign here <u>Blair Manuzil</u>        | Street address <u>267 PARADISE LANE</u>                           |
| Print here <u>Blair Manuzil</u>          | City/state/zip <u>JACKSBORO, TN, 37757</u> County <u>Campbell</u> |
| 4. Sign here <u>Jerry Cross</u>          | Street address <u>403 LAKEVIEW RD</u>                             |
| Print here <u>Jerry Cross</u>            | City/state/zip <u>Coryville TN 37714</u> County <u>Campbell</u>   |
| 5. Sign here <u>Keith Gay</u>            | Street address <u>5649 Bob 37756</u>                              |
| Print here <u>DelWynne Gibson</u>        | City/state/zip <u>Coryville, TN 37714</u> County <u>Campbell</u>  |
| Sign here <u>DelWynne</u>                | Street address <u>311 Parkview Circle</u>                         |
| Print here <u>CHARLES CARROLL</u>        | City/state/zip <u>CORYVILLE TENN</u> County <u>CAMPBELL</u>       |
| 7. Sign here <u>Charles Carroll</u>      | Street address <u>5027 Old 63 Hwy</u>                             |
| Print here <u>CHARLES CARROLL</u>        | City/state/zip <u>Coryville TN 37714</u> County <u>Campbell</u>   |



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

April 17, 2012

Albert Tieche, Administrator of Elections  
Davidson County Election Commission  
P.O. Box 650  
Nashville, TN 37202-0650

Dear Albert,

This letter is being sent to advise you and your commission members the State Election Commission (SEC) will be discussing whether to call a show cause hearing regarding the March PPP early voting schedule for your county at their May 14, 2012 meeting. You and your commission members are not required to attend, however; if you and your commission members want to attend you are welcome.

Attached you will find a meeting notice for the next State Election Commission meeting scheduled for May 14, 2012, at Noon Central Daylight Time.

Please let Kathy Summers know if you have any questions regarding this request. You may reach her at 615-253-4585.

Sincerely,

A handwritten signature in cursive script that reads "Mark Goins".

Mark Goins  
State Coordinator of Elections

Attachment: Meeting Notice – May 14, 2012

Cc: Davidson County Election Commissioners

**Davidson County Election Commission Early Voting Counts for All Sites  
 Presidential Preference Election - March 6, 2012  
 Feb 15, 2012 thru February 28, 2012**

	1	2	3	Holiday	Holiday	4	5	6	7	8	9	10	
	02/15/12	02/16/12	02/17/12	02/18/12	02/20/12	02/21/12	02/22/12	02/23/12	02/24/12	02/25/12	02/27/12	02/28/12	
	Wed	Thu	Fri	Sat	Mon	Tue	Wed	Thu	Fri	Sat	Mon	Tue	
OPEN	8:00 AM	8:00 AM	8:00 AM			8:00 AM	GRAND						
CLOSE	5:30: PM	5:30: PM	5:30: PM			7:00 PM	5:30 PM	7:00 PM	5:30 PM	5:30 PM	5:30 PM	7:00 PM	TOTAL
1 METRO OFFICE	245	169	212			212	243	132	155	153	316	549	2386
2 Bordeaux Library								209	147	168	375	567	1466
3 Edmondson Pike Library								307	210	274	366	668	1825
4 Green Hills Library								353	239	352	505	941	2390
5 Hermitage Library								300	222	189	343	572	1626
6 Madison Library								230	121	123	328	453	1255
DAILY TOTAL	245	169	212	0	0	212	243	1531	1094	1259	2233	3750	10948
CUMULATIVE TOTAL	245	414	626	626	626	838	1,081	2,612	3,706	4,965	7,198	10,948	10,948
DAILY PERCENTAGE													
TOTAL REG. ACTIVE VOTERS													
288,110	0.09%	0.14%	0.22%	0.22%	0.22%	0.29%	0.38%	0.91%	1.29%	1.72%	2.50%	3.80%	3.80%
TOTAL REG. ACTIVE & INACTIVE VOTERS													
350,894	0.07%	0.12%	0.18%	0.18%	0.18%	0.24%	0.31%	0.74%	1.06%	1.41%	2.05%	3.12%	3.12%

## Early Voting Information

### Presidential Preference Primary Election Democratic County Primary And Berry Hill Municipal Election March 6, 2012 Election

#### Schedule

Davidson County Election Commission  
Metro Office Building, First Floor  
800 2nd Avenue South

February 15, 2012 through February 28, 2012

Day/Date	Open	Close
Wednesday, February 15	8:00 A.M.	5:30 P.M.
Thursday, February 16	8:00 A.M.	5:30 P.M.
Friday, February 17	8:00 A.M.	5:30 P.M.
Saturday, February 18	Closed**	Closed**
Monday, February 20	Closed**	Closed**
Tuesday February 21	8:00 A.M.	7:00 P.M.
Wednesday, February 22	8:00 A.M.	5:30 P.M.
Thursday, February 23	8:00 A.M.	7:00 P.M.*
Friday, February 24	8:00 A.M.	5:30 P.M.*
Saturday, February 25	8:00 A.M.	5:30 P.M.*
Monday, February 27	8:00 A.M.	5:30 P.M.*
Tuesday, February 28	8:00 A.M	7:00 P.M.*

\*Note: Satellite locations open

\*\*Closed Due To A Legal Holiday

#### Satellite Locations

February 23, 2012 through February 28, 2012

- Bordeaux Library, 4000 Clarksville Pk
- Edmondson Pk. Library, 5501 Edmondson Pk
- Green Hills Library, 3701 Benham Ave
- Hermitage Library, 3700 James Kay Ln
- Madison Library, 610 Gallatin Pk S.

October 26, 2011 Meeting

Comm. Starling	Yeah
Bobby Medley, VMT	Also located on White Bridge Road
Chair Greer	Yeah its on White Bridge Road
Bobby Medley, VMT	White Bridge Road main thorough fair
Comm. Starling	Yeah
Comm. Heim	So if we're back to five days. If we are going to have satellites, five satellites rather why not just make it five for five.
Comm. Starling	You've been watching too many commercials.
	Laughing
Comm. Bryan	Footlong
Comm. Starling	Next thing you're going to say 999
Comm. Heim	I am not going there. I am not going there. I am not going there. Well what Albert
AOE Tieche	Thursday, Friday, Saturday, Monday, Tuesday is that what we are looking at?
Comm. Heim	Well and I'll tell you why it keeps our satellite workers they are going to have two late seven o'clock nights. Albert said day twelve on this schedule should be a seven o'clock night.
Comm. Bryan	I got a problem. 8:00 to 4:00, 4:30 most working folks work those hours.
Comm. Heim	Yeah but you got
Comm. Bryan	What would be wrong with having it from 9 to 5:30. At least they would have another thirty minutes
Chair Greer	And then you would miss the people that would want to vote on
Comm. Heim	Early on their way into work
Comm. Bryan	At eight o'clock? They are going to work. That is what I am saying.
Comm. Greer	I will tell you there are a lot of them that vote early on their way into work.
Joan Nixon, Chief Deputy	They line up.
Comm. Bryan	Yea they do.
Comm. Heim	Eddie I got
Comm. Bryan	That is why we open the polls at seven
Comm. Heim	Eddie we've got two full Saturdays 8 to 4 and we've got three evenings to 7. We don't always have two full Saturdays. We've got two full Saturdays and one of those Saturdays is going to be accessible to our satellite sites and two of the seven o'clock nights will be accessible to our satellite sites. I feel like that is a pretty generous
Comm. Bryan	I am not adding any more hours I am just moving hours around a little bit so
Comm. Heim	It gets difficult for this office to say voting doesn't start until nine o'clock when the office is already open.

Comm. = Commissioner, VMT = Voting Machine Technician,  
 AOE = Administrator of Elections

Comm. Bryan	Well let them vote early here if they want to. Seven if they want to.
Comm. Heim	You're going to have different hours? No.
Comm. Bryan	But I am talking about the rest of the places the workers wouldn't have to fight the traffic
Chair Greer	Alright why don't we do this lets break this down because we are going to be here for a while if we don't.
Comm. Heim	Yes
Chair Greer	Let's take the number of sites and where they are
Comm. Heim	Motion to approve five satellite sites at the libraries. Hermitage, Bordeaux, Green Hills, Edmonson, Madison
Comm. Starling	Second
Chair Greer	All in favor say aye
	Several people say aye
Chair Greer	All opposed
Chair Greer	Okay now let's have a motion for the hours
Comm. Heim	Well number of days for the satellites I would open Thursday through Tuesday the last five days
Comm. Starling	Okay the last five days
Chair Greer	And they would be open from 8 to 7 on Thursday
Comm. Heim	Well the scheduled list that there are
Chair Greer	Well he's got down here day 12 on Tuesday its open until 4:30
Comm. Heim	He corrected that it should be seven o'clock because we have to have three open for federal elections
Chair Greer	Okay
Comm. Heim	So yes Thursday Tuesday
Chair Greer	Okay do we have a motion then for
Comm. Abernathy	Can I say something?
Chair Greer	You can
Comm. Abernathy	I tend to agree with Eddie on the later shifts we got them seven. If we are just going to go five days what would be the problem and if a lot of people vote early okay what if we just did for the five day period 7 to 7 versus having 8 to 4:30. Just have it 7 to 7 for all five days.
Comm. Heim	You are going to kill your early vote workers.
Chair Greer	I am hearing some sighs from early vote worker recruiters.
AOE Tieche	If you want to stay open until 7 each night I would really encourage you to standardize it. If your voter has to keep looking at the list to figure out what time they are open that is going to be confusing. I would like it to be standardized so as a tweak here and a tweak there going forward is fine but let's get some sort of standardization on our hours.
Comm. Abernathy	Then let's do 10 to 7.
Bobby Medley, VMT	You have to pay overtime for these libraries now
Comm. Heim	Yea you do. You're going to keep the library open Saturday night until 7.

Comm. = Commissioner, VMT = Voting Machine Technician,  
AOE = Administrator of Elections

Chair Greer	I wouldn't do that on Saturday.
Comm. Starling	They wouldn't stay open until 7.
Comm. Abernathy	Saturday okay leave it 8 to 4 but on the other four days do it
AOE Tieche	Until 7
Comm. Abernathy	10-7
Chair Greer	10?
Comm. Abernathy	Either 7 to 7 or 10 to 7. If long hours is a problem then do it 10 to 7.
Chair Greer	Ten o'clock morning is too late to open.
AOE Tieche	I would recommend doing it 8 to 7 if you're going to do that. That is really going to be rough on our crews but
Comm. Heim	Uh hum
Chair Greer	Yeah I my vote is not to go 7
Comm. Heim	I have a question about your Saturday. Why are you closing Saturdays at 4 instead of 4:30 if you want consistency on closure?
AOE Tieche	Cause that is what (laughing cannot understand)
Comm. Heim	Just asking. I am trying to listen and be
Chair Greer	But we are listening to your recommendations
AOE Tieche	I was parroting back to you what the hours you all went with
Chair Greer	Why don't you make that Saturday day 10 4:30?
Comm. Heim	Both of your Saturdays 4:30
Chair Greer	Both Saturdays 4:30
Comm. Starling	You know Eddie may have had the perfect solution then if you vote from 8 to 5:30 you've solved your problem. You opened an hour later in the afternoon and then you accommodate the afternoon and you got that in the morning.
Comm. Heim	So what are you suggesting? 8 to 5:30
Comm. Starling	8 to 5:30
Comm. Heim	Everyday except the 7 o'clock nights
Comm. Starling	Right
Comm. Heim	And then would you still have satellites open from Thursday through Tuesday?
Comm. Bryan	You already made a motion for that hadn't you?
Comm. Heim	I haven't
Comm. Starling	We haven't voted on it
Comm. Starling	Yea Thursday through Tuesday is fine.
Comm. Heim	Okay
Comm. Starling	Unless someone has got an issue with that.
Comm. Abernathy	So we are going to have two 8 to 7s. You are going to have day 8 Thursday 8 to 7, Day 12 which is Tuesday 8-7 and we're going to have Friday, Saturday and Monday 8 to 5:30 right?
Comm. Heim	I hear a 5:30 all the way
	Several people say all the way
Comm. Heim	Everything up here
Comm. Starling	Well you got to have one open though right

Comm. = Commissioner, VMT = Voting Machine Technician,  
AOE = Administrator of Elections

Comm. Abernathy	I thought we were only doing five days
AOE Tieche	By law I think
Comm. Starling	You have to have one 7
AOE Tieche	The law text is back here to the fourth page that governs the hours
Comm. Abernathy	You're talking about you're talking about I was talking about the satellite
Chair Greer	Okay hold on. We've got too many people talking.
AOE Tieche	2-6-13(b)(1) says on at least three days during the early voting period for those offices listed in 2-13-202 for any state or federal elections the county election commission office shall remain open between 4:30 and 7:00 p.m.
Comm. Starling	Shall remain open between 4:30 and 7
Chair Greer	And 5:30 covers its
Comm. Starling	So 5:30 covers it
Comm. Starling	It is between 4:30 and 7
AOE Tieche	That's just here though isn't it
AOE Tieche	My understanding is that you got to be open between the hours of 4:30 and 7
Comm. Heim	Inclusive
AOE Tieche	Inclusive. You can't just close some point in between 4:30 and 7
Comm. Starling	Okay so we've go to do that three days?
Comm. Heim	Correct. You've got to be open until 3 o'clock. What I hear, let me repeat what I am hearing. Eddie prefers that the closure for every early vote day, every early vote day starting on day one through day twelve be 5:30 unless we specify it be 7 o'clock is that what I am hearing?
	Several people say yea
Comm. Heim	And that the secondary part that I am offering is to open satellites from day eight through day twelve
Comm. Abernathy	And they would besides the days they do 8 to 7 they would be 8 to 5:30 correct
Comm. Heim	Correct. So everywhere you see 4:30 change it to 5:30. Everywhere you see Saturday 4:00 change it to 5:30. Day 12 should be listed as 7 p.m. So those are the hours of early voting that I am hearing you say you want. Is that accurate?
Bobby Medley, VMT	Saturday until 5:30. Is that what I'm hearing?
Comm. Heim	That is what I am hearing. Eddie is saying everyday 5:30.
Comm. Starling	You saying Saturday too?
Comm. Starling	Eddie are you saying Saturday
Comm. Bryan	Yea, yea
Comm. Heim	And that what problem
Comm. Bryan	What 's that going to do to the libraries is what I'm asking the question.
Bobby Medley, VMT	Well some libraries have different hours but _____ overtime we have to pay someone overtime.

Comm. = Commissioner, VMT = Voting Machine Technician,  
AOE = Administrator of Elections

Comm. Heim	Yeah we are not going to have all of them open.
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Chair Greer	What are we going to do about these libraries that are closed on Monday?
Pat Novotny, Finance	They are closed on Fridays
	Several people talking
Bobby Medley, VMT	We have to pay them overtime
Comm. Heim	Well on Friday day 9 we have to pay the library for access to the voting.
Chair Greer	I thought they were closed on Monday.
Comm. Bryan	They are downtown
Chair Greer	Oh it's the downtown that's closed oh thank you. It's downtown that is closed on Monday
Comm. Heim	And these are the satellites
Chair Greer	Okay
Chair Greer	So where are we, Patricia? You want to summarize me one more time?
Comm. Heim	One more summary. Closing everyday at 5:30 except for day 6, day 8 and day 12. Those are 7 o'clock closers. Satellite voting begins on day 8 at the five libraries specified in our previous motion so I will move the schedule for times and satellites.
Chair Greer	I need a second
Comm. Bryan	Second
Chair Greer	Any further discussion? All in favor say aye
	Several people say aye
Chair Greer	Opposed?

Comm. = Commissioner, VMT = Voting Machine Technician,  
AOE = Administrator of Elections

- February 8, 2012* A by-mail voter registration form lacking a postmark, but signed and dated on or before February 5, shall be timely filed if the election commission receives the form by mail by this date. (TCA § 2-2-109(a)) March
- February 10, 2012* By this date the County Election Commission shall publish a sample ballot for the early voting period. Where voting machines are used, the sample ballot shall be the machine sample ballot. (TCA § 2-5-211(b)) March
- February 10, 2012* Last day the County Election Commission may publish days and hours open for early voting by personal appearance. Notice shall include office location and telephone number. (TCA § 2-6-103(c)) March
- February 14, 2012* Last day inmates may apply to vote by absentee ballot. (Tate v. Collins, 1980) March
- February 15, 2012* First day a registered voter may vote early by personal appearance. All counties must be open a minimum of three (3) consecutive hours each weekday, including Saturdays, during the period of Feb. 15, 2012 to Feb. 28, 2012. (TCA §§ 2-6-102(a)(1) and 2-6-103(a)(1)) March
- February 15, 2012* First day a hospitalized voter may request the services of an emergency registrar to vote an absentee ballot. Voters hospitalized this date, or until the time set for opening the polls on election day, may request to be voted by emergency registrars by calling the County Election Commission Office. (TCA § 2-6-401(b)) March
- February 16, 2012* No later than 12:00 NOON prevailing time, political party candidates nominated by petition and independent candidates for offices that will appear on the May primary ballot must file their nominating petitions with the Chairperson or Administrator of Elections of the County Election Commission. (Candidates for county offices for which no county primary has been called must file their petitions by NOON, prevailing time, April 5, 2012.) (TCA § 2-5-101(a)(2)) May
- February 16, 2012* No later than 12:00 NOON prevailing time, the names of candidates nominated by any political party by method other than primary election for any office for which a primary has been called must be certified by the county's party executive committee to the chairperson or Administrator of Elections of the County Election Commission. (TCA § 2-5-101(e)) May
- February 16, 2012* County Election Commission Offices that will be holding a primary in May must be open until 4:00 p.m. (TCA § 2-5-101(d)) May
- February 20, 2012* By this date, the County Election Commission shall set a uniform time for opening the polls for the March primary. (TCA § 2-3-201(b)(1)) March
- February 20, 2012* First day the County Election Commission may appoint a hospital administrator as an emergency registrar for any person who is a patient in that hospital due to an emergency. (TCA § 2-6-401(a)(2)) March

**2-12-101. Commissioners — Appointment — Removal — Legal representation.**

(a) The state election commission shall appoint, on the first Monday in April of each odd-numbered year, five (5) election commissioners for each county, for terms of two (2) years and until their successors are appointed and qualified. The five (5) commissioners shall be the county election commission.

(b) The state election commission shall remove a commissioner who becomes unqualified and may remove or otherwise discipline a commissioner for cause.

(c) County election commissions shall be represented in legal proceedings as follows:

(1) If the legal proceeding names the county election commissioners as defendants and the lawsuit involves a municipal election, the municipality concerned shall furnish counsel to represent the commissioners;

(2) If the election involved in the legal proceedings is that of a county election, the county shall furnish counsel for the commissioners and if the election involved in the legal proceedings attacks a state law or presents a question concerning a state or federal election, the attorney general and reporter shall represent the commissioners either by the attorney general and reporter's own staff or by such counsel as the attorney general and reporter may designate;

(3) The counsel furnished, whether by municipality or county, shall be that chosen by the election commission; and

(4) If, in order to properly discharge its duties, the county election commission has to bring legal action against a county or municipality, the compensation for the commission's legal representation shall be borne by the county or municipality as the case may be.

(d) The county election commission created by this section is the immediate successor to the commissioners of elections for each county. Wherever in the Tennessee Code the commissioners of elections for counties are referred to, the term "county election commission" shall be substituted.

Acts 1972, ch. 740, §§ 1, 7; 1974, ch. 535, § 1; 1979, ch. 316, § 3; T.C.A., § 2-1201; Acts 1980, ch. 609, § 6; 1993, ch. 208, § 2.

**Section to Section References.** Chapters 1-19 are referred to in § 2-13-319.

**Textbooks.** Tennessee Jurisprudence, 10 Tenn. Juris., Elections, § 7.

**Attorney General Opinions.** Conflicts of interest involving state and county election commissions,

OAG 06-159 (10/9/06).

**Comparative Legislation.** County boards and commissions:

**Ala.** Code. § 11-3-1.

**Ark.** Code § 7-4-102 et seq.

**Ga.** O.C.G.A. § 21-2-111 et seq.

**Ky.** Rev. Stat. Ann. § 117.035.

**Miss.** Code Ann. § 23-15-211 et seq.

**N.C.** Gen. Stat. § 163-30 et seq.

**Va.** Code

**Cited:** City of Memphis v. Shelby County Election Comm'n, 146 S.W.3d 531, 2004 Tenn. LEXIS 802 (Tenn. 2004).

## NOTES TO DECISIONS

1. Standing of Taxpayers.
2. Payment of Attorney Fees.
3. Storage of Voting Machines.

### 1. Standing of Taxpayers.

Suit brought by county district attorney general upon information of 10 taxpayers and citizens of that county, to recover attorneys' fees paid by acting chief executive officer to law firms for services in defending certain election suits, which payment was subsequently ratified by county commission, was properly dismissed for plaintiffs' lack of standing. State ex rel. Vaughn v. King, 653 S.W.2d 727, 1982 Tenn. App. LEXIS 457 (Tenn. Ct. App. 1982).

### 2. Payment of Attorney Fees.

This section specifically gives to the "county" the power to hire attorneys to defend the county election commission in election contests, and where that authority is expressly given, the county executive [now county mayor] should be able to pay them. The general provisions of § 5-6-112 do not dictate otherwise. State ex rel. Vaughn v. King, 653 S.W.2d 727, 1982 Tenn. App. LEXIS 457 (Tenn. Ct. App. 1982).

### 3. Storage of Voting Machines.

Where election commission filed petition for writ of mandamus and declaratory judgment on April 10, 1981, to compel board of commissioners to provide adequate and economically feasible storage for the county's 1,200 voting machines, the lease on the premises where the machines were then being stored being due to expire on April 30, 1981, and the county having failed to exercise its option to renew within 60 days of expiration as required by the lease, the trial court was correct in refusing to issue writ of mandamus and in denying an award of attorneys' fees to the election commission, because the suit was premature, since the county was fulfilling its duty to provide storage for the machines, and the election commission had made no showing that the county would not do so in the future. State ex rel. Shelby County Election Com. v. Shelby County Bd. of Comm'rs, 656 S.W.2d 9, 1983 Tenn. App. LEXIS 596 (Tenn. Ct. App. 1983).

## Decisions Under Prior Law

1. Status of Commission.
2. Powers of Commission.

### **1. Status of Commission.**

County election commission could maintain action for declaratory judgment for purpose of determining whether county or city was liable for expenses incurred by commission in holding special referendum election on amendment of city charter under private acts. *Abercrombie v. Chattanooga*, 203 Tenn. 357, 313 S.W.2d 256, 1958 Tenn. LEXIS 311 (1958).

The county election commission is not an arm of the county government. *Abercrombie v. Chattanooga*, 203 Tenn. 357, 313 S.W.2d 256, 1958 Tenn. LEXIS 311 (1958).

The county election commission has its legal existence by virtue of the general law of the state and is not a part of any political subdivision of the state. *Abercrombie v. Chattanooga*, 203 Tenn. 357, 313 S.W.2d 256, 1958 Tenn. LEXIS 311 (1958).

### **2. Powers of Commission.**

County election commission had authority to hold special referendum election for benefit of city for purpose of determining whether or not city charter was to be amended under provisions of private acts, and city rather than county was liable for expenses of holding such election. *Abercrombie v. Chattanooga*, 203 Tenn. 357, 313 S.W.2d 256, 1958 Tenn. LEXIS 311 (1958).

**Collateral References.** Election officers <key> 144.46-58.

**H. Lynn Greer, Jr.**  
**5137 Boxcroft Place**  
**Nashville, TN 37205-3701**  
**615-354-0550**

May 1, 2012

Mr. Albert U. Tieche  
Administrator of Elections  
Davidson County Election Commission  
Nashville, TN

Dear Albert:

At the April 26<sup>th</sup> meeting of the Davidson County Election Commission (DCEC) the issue of early voting dates for the Presidential Preference Primary was discussed.

At the Commission's meeting on October 26, 2011, the DCEC decided where early vote sites would be located and the dates those sites would be open. Specifically, the audio recording of the meeting made clear that the site at the main office would be open for "two full Saturdays" which would include both February 18 and 25.

Your thorough and humble statement and apology concerning the events surrounding the unilateral and incorrect decision to be closed on Saturday, February 18 was appreciated for both your thoughtfulness and honesty.

I should be clear, however, that once the Commission votes upon a decision or takes a position on a situation it is incumbent upon the AOE to either carry out that decision or, if the AOE disagrees after thoroughly researching the issue, call a meeting of the Commission to change or reconsider their previous decision.

It is now clear that we were required by law to be open on February 18 and your decision not to do so was incorrect. Such a situation cannot happen again; as the AOE it is your duty and responsibility to follow all applicable laws and to carry out the decisions of the DCEC. Any action to the contrary in the future could cause severe disciplinary actions to be considered by the Commissioners.

Very cordially yours,



H. Lynn Greer, Jr., Chairman  
Davidson County Election Commission

CC: Commissioners: Abernathy, Bryan, Heim, Starling

At 45:30 on the audio tape, Chairman Greer sites AOE Tieche' s written recommendation to be open Feb. 15 through Feb 28. At 47:10, Chairman Greer states that "we do not have a choice" about being open "down here" (DCEC offices) for the "12 days" which includes Feb 18. Commissioner Heim states three times between 1:00:37 and 1:00:47 that the Main Office would be open on "two full Saturdays" which would include Feb. 18 and Feb. 23.

AGENDA FOR DAVIDSON COUNTY ELECTION COMMISSION  
MEETING  
October 26, 2011 2:00 p.m.

- ✓ 1. Approve September 28, 2011 meeting minutes *psh/ajs*
- ✓ 2. Approve List Maintenance Policy *sa/ajs*
- ✓ 3. Report on meeting with DA regarding voter fraud  
*response from DCEC signed by all commissioners.*
- ✓ 4. Status of 3 lawsuits - *all dismissed*  
*CO20, write-in, @ large winner calculations*
- ✓ 5. Photo ID Education Efforts
- ✓ 6. Early voting sites for 2012 election cycle *March schedule only*
- ✓ 7. Davidson County Republican Party not holding primary with PPP
- ✓ 8. Councilmember request -- Estimated savings from combining elections
- ✓ 9. Shelby County Election Commission visit slides
- ✓ 10. Electronic Poll Books bid and potential savings
11. Administrator's Reports
12. Any old/new business
13. Set date for next meeting
14. Review registration cards
15. Adjourn

April 26, 2012

Tom Cunningham informed the board that June 1, 2012 is his due date to finish re-districting.

**Electronic Poll Book update:** Attorneys with ES & S, Metro Legal, and Metro Purchasing have been communicating on ironing out details of the written contract regarding the Electronic Poll Books. The delivery and funding still remains to be finalized. Bill Hyden stated the agreed upon cost of the Electronic Poll Books will be \$777,441.05. The Department of Finance has appropriated \$400,000 in 4% capital to move forward with the purchase. Once the contract has been signed, the remainder of the funding will be dispersed. AOE Tieche stated advantages of Electronic Poll Books: faster, cheaper, and reduces human error factor.

**Review of Saturday, February 18<sup>th</sup> Early Voting closing error:** AOE Tieche read a prepared statement concerning the closing of the Early Voting site on February 18<sup>th</sup> during the Presidential Preference Primary. Several comments from the Commissioners followed. Chairman Greer read an excerpt from the October 26, 2012 meeting minutes that clearly stated the Davidson County Election Commission was to be open for Early Voting on two (2) Saturdays (which included February 18<sup>th</sup> and February 25<sup>th</sup>). Chairman Greer indicated that he and AOE Tieche had several conversations concerning this issue and that Chairman Greer had cautioned AOE Tieche his actions were unacceptable considering the legal requirement that the DCEC must be open for two Saturdays during early voting; further, in the future any action reversing a decision by the Commission must be done by a vote of the Commissioners. A copy of Mr. Tieche's statement is attached.

**Administrator's Reports:**

- *Americans Elect petition certification* - 16,970 signatures were submitted on March 30, 2012 and 8,056 were valid.
- *Response from DA regarding voter fraud cases* – DA's office is not pursuing criminal charges at this time.
- *TACEO Spring Meeting* - April 23, 2012 in Lebanon, TN

**Any old/new business:** (Old business) – The State Election Commission asked the DCEC to do an additional certification of official write-in candidates. Commissioner Heim made a motion to approve vote results for official certified write-ins. The motion was seconded by Commissioner Starling and passed unanimously.

**Set date for next meeting:** Thursday, May 10, 2012 at 2:00 p.m.

**Review registration cards:** Agenda item deferred to next meeting.

**Adjourn:** There being no further Commission business, the meeting adjourned.

Election Date	Type	Open/Closed on Saturday before Monday Holiday	Holiday	Chairman	AOE
Mar 2012	PPP	Closed	Presidents' Day	Greer	Tieche
Sept 2011	Council Run-Off	Closed	Labor Day	Greer	Tieche
Jan 2009	English Referendum	Open	MLK	Bryan	Barrett
Feb 2008	PPP	Closed	MLK	Bryan	Barrett
Sept 2007	Council Run-Off	Closed	Labor Day	Bryan	Barrett
Sept 2005	Tax Referendum	Closed	Labor Day	Bryan	Barrett
Feb 2004	PPP	no holiday conflict	n/a	Nixon	McDonald
Sept 2003	Council Run-Off	Closed	Labor Day	Nixon	McDonald
Mar 2000	PPP	no holiday conflict	n/a	Collins or Murphy??	McDonald
Sept 1999	Council Run-Off	Open	Labor	Collins or Murphy??	McDonald

### Recommended Early Voting Sites for 2012

#### Presidential Preference Primary

##### Assumptions

The PPP political conditions in March 2012 will resemble the political conditions in March 2004 with an incumbent president running as one party's nominee and multiple candidates vying for the other party's nomination. However, with Tennessee's primary coming a month later than it did in 2004, and with other states moving their PPPs earlier in the year, the Republican nominee may already be well defined by March of 2012, and that would indicate less voter interest and a lower turnout.

- o 2004 PPP total turnout was <sup>60,000</sup> 28,000 voters, 8% of A&I
  - o EV was 3573 or 1.05% of A&I and 12.7% of all votes cast (Only DCEC Office)
- o 2008 PPP total turnout was 125,000 voters, 37% of active and inactive
  - o EV was 32,897 or 9.75% of A&I and 26.3% of all votes cast (8 locations)

##### Recommendations:

- o Open the Election Commission office for 12 days beginning on Wednesday, February 15 and ending on Tuesday, February 28.
- o Open five additional Early Voting sites for 8 days beginning on Monday, February 20 and ending on Tuesday, February 28.
- o Additional EV sites recommended are:
  - a. ~~Belle Meade LMC~~ *Heritage Library*
  - b. Bordeaux Library
  - c. Green Hills Library
  - d. Edmondson Pike Library
  - e. Madison Library
- o Use established standardized EV hours:

*psw/ajs*

	Day	Open	Close
<i>15</i>	Day 1	Wed	8:00 AM - <del>4:30</del> PM
	Day 2	Thu	8:00 AM - <del>4:30</del> PM
	Day 3	Fri	8:00 AM - <del>4:30</del> PM
	Day 4	<u>Sat</u>	8:00 AM - <del>4:30</del> PM
	Day 5	Mon	8:00 AM - <del>4:30</del> PM
	Day 6	Tue	8:00 AM - 7:00 PM
	Day 7	Wed	8:00 AM - <del>4:30</del> PM
<i>23</i>	Day 8	Thu	8:00 AM - 7:00 PM
	Day 9	Fri	8:00 AM - <del>4:30</del> PM
	Day 10	<u>Sat</u>	8:00 AM - <del>4:30</del> PM
	Day 11	Mon	8:00 AM - <del>4:30</del> PM
<i>28</i>	Day 12	Tue	8:00 AM - <del>4:30</del> PM

Only DCEC Office open first 4 days

*7:00 AM*

Totals 52 "precinct days"

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

Tom DuBois  
310 South Garden Street  
Columbia, TN 38401  
(931) 388-2526

Greg Duckett  
9435 Forest Wind Cove  
Collierville, TN 38017  
(901) 227-5233

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

# State of Tennessee



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

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

Tom Wheeler  
1196 Blockhouse Valley Road  
Clinton, TN 37716  
(865) 457-8758

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

May 14, 2012

Stanley Dobson, Administrator of Elections  
Cannon County Election Commission  
301 West Main Street  
Adams Office Bldg Room 244  
Woodbury, TN 37190

Re: Hostile Work Environment

Dear Stanley:

It has been brought to our attention that you have concerns about the work environment in the Cannon County Election Commission (election commission) office. Based upon information which you have provided, election commission members have used demeaning terms regarding your character in public meetings. It is your belief that the actions of the election commission create a hostile work environment for you and your staff.

Generally, a hostile work environment "occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment." (Definition taken from <http://www.fcc.gov/encyclopedia/understanding-workplace-harassment-fcc-staff>) Typically, the United States Equal Employment Opportunity Commission (EEOC) is charged with the responsibility of enforcing the federal laws which prohibit employment discrimination.

Although contacting the EEOC may be an option for you, the first recommended action would be to contact the human resource office in your county. If Cannon County does not have a human resource office, you may consider contacting the county attorney. Either of these contacts may provide you with assistance, first in determining whether the situation in which you find yourself falls within the legal parameters of a "hostile work environment," and secondly, in providing some guidance to the county election commission members of acceptable language and etiquette in public meetings.

If the Cannon County human resource office, the county attorney, or the EEOC concludes that the actions of the county election commission create a hostile work environment, we ask that you

provide this body with such documentation. If that occurs, this body will discuss and consider the appropriate actions to take.

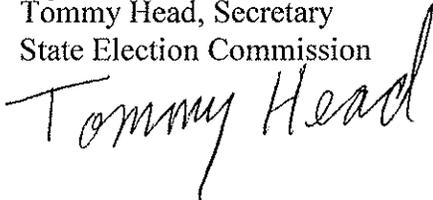
To be clear, it is our hope that the election commission conducts election commission business in an honest, respectful and dignified manner to produce fair and trustworthy elections. A finding that the election commission is creating a hostile work environment as defined by federal law would be considered a serious and disappointing matter. In the event of such a finding, this body would carefully and deliberately consider the appropriate actions to assure that such behavior ceases.

Sincerely,

Judy Blackburn, Chairman  
State Election Commission

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

Tommy Head, Secretary  
State Election Commission

A handwritten signature in cursive script that reads "Tommy Head".

May 10, 2012

Dear Valued Customer:

I am very pleased to inform you that on May 10, 2012 the Election Assistance Commission (EAC) certified Dominion Voting System's Democracy Suite 4.6 to the 2005 Voluntary Voting System Guidelines. This action by the Commission concludes two years of comprehensive laboratory testing and scrutiny by expert technical reviewers. The Dominion team is very excited that this certification will make Democracy Suite technologies available to a broader scope of jurisdictions across the United States. Perhaps Dominion's strongest attribute as an election partner is a commitment to continuous product improvement. The EAC's certification of Democracy Suite is another important milestone in our effort to bring innovation to the election marketplace.

As you are aware, the 2005 Voluntary Voting System Guidelines represent the highest and most stringent federal standard, and encompass additional requirements for voting systems in several key areas, including accuracy and mark recognition, security, and accessibility to voters with disabilities. We believe successful completion of the EAC certification testing process validates that Democracy Suite's components comply with the most rigorous federal standards in the areas voters and election authority's care about most – security, accuracy and accessibility. Dominion is a strong supporter of the VVSG and of the important role certification authorities at the federal and state level play in assessing the security, accuracy and accessibility of voting systems – efforts that are fundamental to continued public confidence in the voting process.

Democracy Suite is a paper based, fully auditable group of technologies. The components of the newly certified Democracy Suite 4.6 are:

- **ImageCast Precinct:** The most widely used optical scan voting system in the world, with over 100,000 units deployed globally. The ImageCast Precinct device also offers an audio tactile interface (ATI) for full accessibility for disabled voters.
- **ImageCast Evolution:** The industry's first all-in-one paper based voting terminal, which leverages user feedback with experienced innovation in solving election related concerns, to meet the needs of every voter in a single device. The ImageCast Evolution's configuration combines optical ballot scanning with an easy to use ballot print and marking interface to create an intuitive and accessible voting solution. ImageCast Evolution is the first completely integrated paper based voting solution that allows compliance with the requirement of the Help America Vote Act that every voter be able to vote "privately and independently."
- **ImageCast Central scanner:** This cost efficient, high speed central count tabulation

system meets the demands of jurisdictions of every size. By including the unique abilities of the precinct device such as Audit Mark imaging, combined with unmatched ability to control ambiguous marks, the user for the first time truly has an auditable system.

- **Democracy Suite Election Management System:** A highly secure, flexible and scalable election management solution designed to organize and direct all pre-voting and post –voting activities, from ballot creation to final tabulation.

Democracy Suite provides scalable, paper based solutions that can cost-effectively meet the needs of jurisdictions large and small, and address the accessibility requirements of all voters. As you may know, Dominion’s ImageCast technology has already proven to be highly accurate and secure in elections in multiple U. S. states and in jurisdictions across the globe.

Going forward, we will continue to leverage the expertise of our outstanding engineering and development team and invest in continuous product improvement that delivers value to our customers, to voters and to all stakeholders in the voting process.

If we can provide additional information on Democracy Suite and its recent certification to the 2005 VVSG, please do not hesitate to contact Waldeep Singh, Vice President of Customer Relations, at 866-654-8683

As always, we are grateful for our partnership and for the opportunity to serve the voters of your jurisdiction.

With best regards,

Howard Cramer  
Executive Vice President of Government Relations



## The Election Assistance Commission Certification of Dominion Voting System's Democracy Suite 4.6

### Frequently Asked Questions

May 2012

**Q: What action has the U. S. Election Assistance Commission taken in regard to Dominion's Democracy Suite?**

A: In May 2012 The Election Assistance Commission (EAC) certified Democracy Suite 4.6 to the 2005 Voluntary Voting System Guidelines (VVSG). The 2005 VVSG is the most current, and most rigorous, federal standard for U. S. voting systems.

**Q: What components are included in Democracy Suite 4.6?**

A: The components of the newly certified Democracy Suite 4.6 are:

- **ImageCast Precinct:** The most widely used optical scan voting system in the world, with over 100,000 units deployed globally. The ImageCast Precinct device also offers an audio tactile interface (ATI) for full accessibility for disabled voters.
- **ImageCast Evolution:** The industry's first all-in-one paper based voting terminal, which leverages user feedback with experienced innovation in solving election related concerns, to meet the needs of every voter in a single device. The ImageCast Evolution's configuration combines optical ballot scanning with an easy to use ballot print and marking interface to create an intuitive and accessible voting solution. ImageCast Evolution is the first completely integrated paper based voting solution that allows compliance with the requirement of the Help America Vote Act that every voter be able to vote "privately and independently."
- **ImageCast Central scanner:** This cost efficient, high speed central count tabulation system meets the demands of jurisdictions of every size. By including the unique abilities of the precinct device such as Audit Mark imaging, combined with unmatched ability to control ambiguous marks, the user for the first time truly has an auditable system.
- **Democracy Suite Election Management System:** A highly secure, flexible and scalable election management solution designed to organize and direct all pre-voting and post -voting activities, from ballot creation to final tabulation.

**Q: Is Democracy Suite a paperless voting system?**

A: No. Democracy Suite is a paper based, and fully auditable, group of technologies.

**Q: What does an EAC certification mean?**

A: To earn EAC certification, a voting system has been tested by a federally accredited test laboratory and has successfully met the requirements of federal voting system standards.

**Q: What is the practical effect of this new federal certification?**

A: The Dominion team is very excited that this certification will make Democracy Suite technologies available to a broader scope of jurisdictions across the United States.

**Q: What is the EAC?**

A: Established by the Help America Vote Act of 2002 (HAVA), the EAC is an independent, bipartisan federal commission charged with developing guidance to meet HAVA requirements, adopting the VVSG, accrediting testing laboratories and certifying voting systems, among other duties.

**Q: What is Dominion's position on the VVSG process?**

A: Dominion is a strong supporter of the VVSG and the EAC's role in the federal certification of voting systems. We believe that rigorous testing of voting technologies at both the federal and state level has improved system features and performance and can build increased public confidence in the elections process.

**Q: What are the Voluntary Voting System Guidelines?**

A: The VVSG is a set of specifications that voting systems and software must meet to receive certification from the EAC. EAC-accredited laboratories test voting systems, voting devices and software against these guidelines.

**Q: In what ways is the 2005 VVSG more rigorous than earlier standards?**

A: The 2005 VVSG implemented more stringent requirements on voting systems and devices in the areas of security, accessibility, usability and auditability.

**Q: Which EAC-accredited laboratory conducted the testing of Democracy Suite 4.6?**

A: Wyle Laboratories located in Huntsville, Alabama.

**Q: Is there oversight and review of the testing conducted by the EAC-accredited laboratory?**

A: Yes. The EAC's technical experts review all aspects of the testing that is performed. EAC staff members reviewed the Test Report and provided oversight through all phases of the test program.

**Q: What does the testing by the EAC-accredited laboratory entail?**

A: The laboratory tests to determine if the voting technology meets the functionality, accessibility and security capabilities required by the standards. This includes source code and documentation reviews, followed by functional testing at both the individual voting machine level and the integrated system level.

**Q: Who makes the final decision about whether a voting system is certified?**

A: The EAC accredited laboratory makes a recommendation to the EAC, but the Commission's Director overseeing the Certification program followed by the EAC Executive Director make the two stage decision on whether to issue a certification.

**Q: Do all states require voting systems to be federally certified?**

A: No. Currently 14 states require federal certification as a prerequisite before a voting system may be deployed.

**Q: Do most states conduct their own testing and certification programs?**

A: Yes. In some cases, the state certification process is conducted only after EAC certification is achieved. In other states such as New York and Florida the testing and certification programs are fully independent of the federal certification process.

**Q: Now that federal certification has been achieved, in what states will Democracy Suite be made available?**

A: Dominion will pursue state certification in states where there is a clear market demand for these solutions. Over time, we expect the number of states with installed Democracy Suite systems to grow significantly.

**Q: Is the software used in Democracy Suite kept secret from the public?**

A: No. Not only is source code made available to the federal testing laboratory, to the EAC and to state certification authorities, in states where Democracy Suite has been certified for use Dominion can provide a laptop with the voting application source code to an authorized custodian in the state office. Members of the general public can contact the state office to schedule an appointment to review (but not copy) the source code on site. At Dominion, we believe this high level of transparency is important to building trust among all stakeholders in the voting process.

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## Dominion's Democracy Suite Receives Federal EAC Certification

**DENVER, Colorado – May 10, 2012 ...** The U. S. Election Assistance Commission announced today that it has certified Dominion Voting Systems' Democracy Suite 4.6 family of products to the 2005 Voluntary Voting System Guidelines, the most rigorous federal level design and testing requirements in the United States. The action by the Commission, which concludes two years of intensive laboratory testing and scrutiny by expert technical reviewers, clears the way for these fully auditable paper-based voting solutions to be available to jurisdictions that require federal certification as a prerequisite for deployment of new voting systems.

Compared to earlier standards, the EAC's 2005 Voluntary Voting System Guidelines (VVSG) encompass more stringent requirements for voting systems in several key areas, including security and accessibility to voters with disabilities. Recent clarifications of the Guidelines published by the EAC have further strengthened the accuracy and voter mark recognition requirements. Successful completion of the EAC certification testing process validates that Democracy Suite's components comply with the most rigorous federal standards in the areas voters and election authorities care about most – security, accuracy and accessibility. The components of the newly certified Democracy Suite are:

- **ImageCast Precinct:** The most widely used optical scan voting system in the world, with over 100,000 units deployed. The ImageCast Precinct device also offers an audio tactile interface (ATI) for full accessibility for disabled voters.
- **ImageCast Evolution:** The industry's first all-in-one paper based voting terminal, which leverages user feedback with experienced innovation in solving election related concerns, to meet the needs of every voter in a single device. The ImageCast Evolution's configuration combines optical ballot scanning with an easy to use ballot print and marking interface to create an intuitive and accessible voting solution. ImageCast Evolution is the first voting machine that allows compliance with the specific Help America Vote Act requirement that every voter be able to vote "privately and independently."

- **ImageCast Central scanner:** This cost efficient and scalable central count tabulation system meets the demands of jurisdictions of every size. By including combining the unique abilities of the precinct device such as Audit Mark imaging and with unmatched ability to control ambiguous marks, the user truly has an auditable system for the first time.
- **Democracy Suite Election Management System:** A highly secure, flexible and scalable election management solution designed to organize and direct all pre-voting and post-voting activities, from ballot creation to final tabulation.

“We are extremely pleased that the Dominion Democracy Suite has completed the EAC’s comprehensive and extremely demanding VVSG 2005 certification process,” said John Poulos, President and CEO of Dominion Voting Systems. “At Dominion, we have been, and will remain, strong supporters of the EAC’s role in ensuring the accuracy, security and reliability of the voting systems used by millions of Americans. Federal certification represents the highest standard of validation of the integrity of voting systems in the U.S., and the rigorous testing and review required by the 2005 VVSG, while extremely demanding of manufacturers, provides assurance to voters, election officials and all stakeholders in the process that system security and accuracy are paramount,” Mr. Poulos added.

Dominion’s ImageCast technology has already proven to be highly accurate and secure in elections in 52 counties in the State of New York and in jurisdictions across the globe. “We are excited that certification by the EAC to the 2005 VVSG standard will now make the Democracy Suite enhancements to security and accessibility much more widely available across the United States. Dominion looks forward to working with state election authorities as we undertake state testing and certification requirements so that these innovative solutions can be fully available to jurisdictions seeking the most advanced, cost effective and auditable voting solutions,” Mr. Poulos added.

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