

Minutes
State Election Commission Meeting
July 16, 2012

The State Election Commission meeting was called to order by Chairman Kent Younce at 12:05 p.m., Central Standard Time July 16, 2012. The following members and staff were present: Chairman Younce; Commissioners Blackburn Head, Wallace, Wheeler and Younce, Coordinator of Elections Mark Goins; and Kathy Summers, Elections Specialist.

Motion was made, seconded and unanimously approved to adopt the minutes from June 18, 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, July 16, 2012. (See attached list of appointments made.)

Old Business

- Coordinator Goins advised at the June 18th meeting, the State Election Commission discussed giving Hamilton County authorization to use non metal ballot bags for August and November elections. No formal motion was taken on the authorization. Coordinator Goins requested the commission to make a motion to authorize the use of the non metal ballot bags.

After brief discussion, a motion was made, seconded and unanimously approved to allow the Hamilton County Election Commission to use non metal supply bags for August and November.

New Business

- **Certification Exam – June 22, 2012**
Coordinator Goins updated members on the most recent certification test. Only one county took the test and passed.

A motion was made; seconded and unanimously approved to certify John Copeland of Crockett County who passed the certification exam given on June 22, 2012.

- **PrintElect**

Chris Andrews stated his office has several requests for supply ballot bags and collapsible ballot boxes. His company wants direction from the State Election Commission on how to proceed. Mr. Andrews displayed both the ballot bag, item 1916, and the collapsible ballot box, item 1592, for the commission.

After discussion and review of the ballot bag and the collapsible ballot box a motion was made; seconded and unanimously approved to certify ballot bag number 1916, provided the bag has the appropriate number of locks as is required by state law, state seal and notation on the bag "official ballot" and each County Election Commission would be responsible for the purchase of these bags.

The State Election Commission would like to see additional security on the collapsible ballot box. No approval given for the collapsible ballot box, item number 1592.

- **Discuss Rhea County Election Commissioner Comment**

Coordinator Goins gave State Election Commissioners' background information on comments made by a county election commissioner in Rhea County. A tape of the comment made by Commissioner Johnny Harwood was played for the commission's review.

After a brief discussion, a motion was made; seconded and unanimously approved to send a letter to Commissioner Harwood advising him the comment he made was not appropriate and that he should comply with any posted notification regarding the carrying of firearms in governmental buildings. (See attached letter sent to Mr. Harwood.)

- **Cannon County Election Commissioner Comment**

Coordinator Goins reminded commissioners of the complaint filed with the State Election Commission earlier this year by the Cannon County Administrator of Elections, Stanley Dobson, regarding Commissioner Louise Mayo. The Cannon County Election Commission terminated Mr. Dobson. A tape of the comment made by Commissioner Louise Mayo was played for the commission's review. Commissioner Mayo implied she voted to terminate Mr. Dobson because of the previous complaint.

After a brief discussion, a motion was made; seconded and unanimously approved to remove Commissioner Mayo; as comments made by Mrs. Mayo seemed to be retaliatory in nature towards Mr. Dobson. (See attached letter sent to Mrs. Mayo.)

Coordinator Update

- Roane County Election Commissioner – Attorney General Opinion

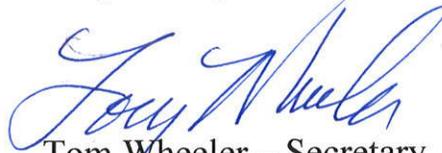
Opinion has been requested.

November 12th, 2012 meeting of the State Election Commission will be moved to November 13, 2012. The meeting will be held in the Montgomery Room of the William R. Snodgrass – TN Tower.

The next meeting is August 13, 2012. The meeting will be held in the William R. Snodgrass – Tennessee Tower, 7th Floor, Conference 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,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over the typed name.

Tom Wheeler – Secretary
State Election Commission

Vacant Status

16-Jul-12

Benton

D Greg Duckett
R Jimmy Wallace

D

Crockett

D Greg Duckett
R Jimmy Wallace

R

Total Vacancies: 2

Holdover Status

16-Jul-12

		Appointment	Reappointment
Gibson			
D	Greg Duckett		
R	Jimmy Wallace		
	D Kathleen Smith	6/22/2007	5/27/2009
	D Robert S. Phelan	4/3/1995	5/27/2009
Haywood			
D	Greg Duckett		
R	Jimmy Wallace		
	D Aubrey Lee Bond	4/3/1995	4/6/2009
	D Ida Ruth Bradford	4/3/1995	4/6/2009
Henderson			
D	Greg Duckett		
R	Jimmy Wallace		
	D Cornelia T. Morris	4/3/1995	4/6/2009
	D Pope Thomas	4/17/2001	4/6/2009
Henry			
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
Total Holdovers: 8			

New Appointment Status

17-Jul-12

		Appointment
Cannon	D Tommy Head / R Kent Younce	
	R Corey Davenport	7/16/2012
Crockett	D Greg Duckett / R Jimmy Wallace	
	R Ann Strong	7/16/2012
Total New Commissioners: 2		

Tre Hargett, Secretary of State
State of Tennessee



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

Mark Goins
Coordinator of Elections

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

MEMORANDUM

To: State Election Commission Members

From: Mark Goins *Mark Goins*
Coordinator of Elections

Date: June 22, 2012

Subject: Results of the June 22, 2012 Certification Exam

On June 22, 2012, this office administered a certification exam.

John Copeland, the Crockett County Administrators of Elections, obtained a passing score on that exam.

Voter's choice

Collapsible Ballot Box

"Simply, The Best Collapsible Ballot Box Available Today"

Item# 1592

The Collapsible Ballot Box is constructed of water-resistant 600 Denier Polyester Canvas and features collapsible side panels. The bag also features two sealable zippered ballot slots. The ballot slot locations enable the ballots to lay flat in the bag thus increasing the amount of usable ballot storage space.

Product Features:

- Water-resistant 600 Denier Polyester Canvas fabric
- Collapsible side panels
- Overlapping hasp zipper pulls make for easy sealing of zippers and ballot slots
- Two ballot slots; one on top panel and one on side panel
- Handle straps for easy transportation
- Bag collapses to a height of only 2.5"
- Holds approximately 1,500 ballots

Product Specifications:

- 23.5" L x 12" W x 13.5" H
- 8" x 11" ID window
- Two 9" Ballot Slots



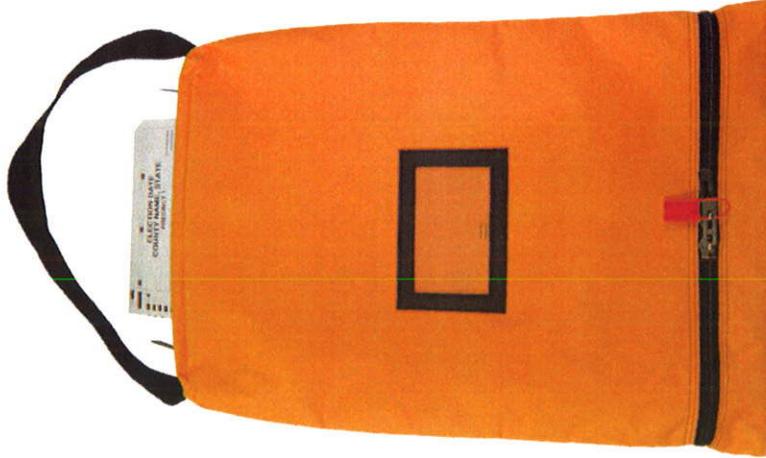
Please visit our website at www.printelect.com for current pricing, dimensions, color options and images.

Printelect

PO BOX 13216 • New Bern, NC 28561
Toll Free (800) 682-4500 • Fax (252) 637-9320
www.printelect.com • sales@printelect.com

Voter's choice

Ballot Bag



Item# 1916

The Voter's Choice Ballot Bag has a built-in sealable ballot slot on top and a sealable zippered opening on the bottom. Made of 600 Denier Polyester Canvas, this bag also features a hanging strap for easy transport and storage. The structured ballot slot blocks access to ballots once they are inserted into the bag.

Product Features:

- Water-resistant 600 Denier Polyester Canvas fabric
- Overlapping hasp zipper pulls make for easy sealing of zipper and ballot slot
- Structured, zippered ballot slot for additional security

Product Specifications:

- 23.5" L x 16" W
- 3" x 5" ID window

Printelect

PO BOX 13216 • New Bern, NC 28561
Toll Free (800) 682-4500 • Fax (252) 637-9320
www.printelect.com • sales@printelect.com

Please visit our website at www.printelect.com for current pricing, dimensions, color options and images.

FOCUS™ Terms

Search Within Original Results (1 - 1)

Advanced...

View Tutorial

View Full

1 of 1

Book Browse

Tenn. Code Ann. § 2-12-101 (Copy w/ Cite)

Pages: 2

Tenn. Code Ann. § 2-12-101

TENNESSEE CODE ANNOTATED
© 2012 by The State of Tennessee
All rights reserved

*** CURRENT THROUGH THE 2011 REGULAR SESSION ***

Title 2 Elections
Chapter 12 County Election Commissions
Part 1 General Provisions

Tenn. Code Ann. § 2-12-101 (2012)

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.

HISTORY: 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.

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

Tom DuBois
810 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
9th 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

CCPY

July 17, 2012

Ms. Louise Mayo
304 Houston Lane
Woodbury, TN 37910

Dear Ms. Mayo,

Pursuant to Tenn. Code Ann. § 2-12-101(b), the State Election Commission voted today to remove you as a member of the Cannon County Election Commission. This action was based upon a review of the recording of the Cannon County Election Commission meeting on July 2, 2012.

The members of the State Election Commission are concerned about what appeared to be retaliatory actions because of a complaint Stan Dobson filed with the State Election Commission.

This action is effective immediately. The State Election Commission thanks you for your service to the citizens of Cannon County and wishes you the best in the future.

Sincerely,

A handwritten signature in black ink that reads "Kent D. Younce".

Kent Younce
Chairman

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

Tom DuBois
110 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
9th 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

COPY

July 17, 2012

Mr. Johnny Harwood
P. O. Box 142
Graysville, TN 37338

Dear Mr. Harwood,

Pursuant to Tenn. Code Ann. § 2-12-101(b), the State Election Commission has voted to issue this disciplinary letter based upon a review of the recording of the Rhea County Election Commission meeting on June 25, 2012.

The members of the State Election Commission are concerned about your comments regarding challenges to crossover voters, particularly your statement that if anyone were to challenge you, you would have your ".38" in your pocket. This comment is not appropriate for an election commissioner regarding the election business.

Recognizing your Second Amendment right to keep and bear arms, the State Election Commission would recommend that you take extra care to comply with any posted notices regarding carrying firearms in government buildings. This includes meetings held at county election commission office and polling places. While we would normally not take this step, we feel that this action is necessary because some could perceive your comments as a threat.

The State Election Commission thanks you for your service to the citizens of Rhea County. If you have any issues with complying with this request, please contact us immediately.

Sincerely,

A handwritten signature in black ink that reads "Kent D. Younce".

Kent Younce
Chairman

Tre Hargett, Secretary of State
State of Tennessee



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

Mark Goins
Coordinator

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

June 21, 2012

The Honorable Robert E. Cooper, Jr.
Attorney General and Reporter
111 John Sevier Building
Nashville, TN 37202

General Cooper:

The Office of the Attorney General has opined in the past that an individual may not serve on both a county election commission and a county civil service board. Op. Tenn. Atty. Gen. No. 02-121 (Oct. 30, 2002). In light of that opinion, the State Election Commission debated whether a similar analysis would apply to service on both a county election commission and board of public utilities. At its meeting on June 18, 2012, the State Election Commission voted to formally request an opinion on the following question:

May a member of the Roane County Election Commission also serve as a member of the Roane County Board of Public Utilities?

County election commissions are appointed by the State Election Commission pursuant to Tenn. Code Ann. § 2-12-101. Tenn. Code Ann. §§ 2-1-112 and 2-12-102 state the qualifications and restrictions on membership for a county election commission member. Members of county election commissions are compensated in accordance with Tenn. Code Ann. § 2-12-108.

Boards of public utilities are governed by Tenn. Code Ann. § 5-16-103. Members of such boards are appointed by the county mayor subject to confirmation by the county legislative body. Tenn. Code Ann. § 5-16-103(a) (1). Generally, members serve without compensation except for necessary expenses, unless a county legislative body is authorized to provide for compensation by Tenn. Code Ann. § 5-16-103(f). The Roane County Commission has such authority in Tenn. Code Ann. § 5-16-103(f) (7) (A). The Roane County Administrator of Elections has stated members are paid using funds generated solely by fees generated through public utility services as opposed to being paid by county taxpayer funds. Currently, the commissioner receives one hundred dollars a month for his service on the board of public utilities.

If we may provide further details about this situation, please let us know. Thank you for your assistance in this matter and for your service to the State of Tennessee.

Sincerely,

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

Mark Goins
Coordinator of Elections
www.tn.gov/sos