

MINUTES OF THE DAVIDSON COUNTY ELECTION COMMISSION
December 16, 2008

The Davidson County Election Commission (DCEC) met at 3:00 p.m. on December 16, 2008 in the Metro Office Building. Commissioners Eddie Bryan, Ana Escobar-Burchwell, Lynn Greer, Patricia Heim, and A. J. Starling were present. DCEC staff members present included Administrator of Elections (AOE) Ray Barrett; and staff members Lionel Barrett, Kelley Harrison, and Pat Wilson. Also present was Nicki Eke of the Metropolitan Department of Law.

Chairman Eddie Bryan convened the meeting.

Approve November 17, 2008 Meeting Minutes: Commissioner Escobar-Burchwell made a motion to approve the minutes of the November 17, 2008 regular meeting as presented. Commissioner Greer seconded the motion and it was approved unanimously.

Sample Ballot for January 22, 2009 Special Referendum Election: The Commissioners reviewed a sample ballot containing the Early Voting Schedule and charter amendment language for the January 22, 2009 Special Referendum Election. Commissioner Heim indicated she asked AOE Barrett to prepare a draft sample ballot for the purpose of fulfilling the DCEC duty of voter education and awareness if he felt the election funds to be allocated by Metro Council for this election could accommodate this expenditure. Pat Wilson described to Commissioners that the budget resolution, RS2008-577, filed in Metro Council provided specific line item expenditures, but that the head of Metro's Finance office indicated that re-purposing the specific expenditures was within the authority of the DCEC; Nicki Eke of the Metro Department of Law, however, expressed uncertainty about the legal implications of such action. Ms. Wilson indicated that to cover the cost of mailing a sample ballot to each voter household (Active status) reductions could be made to the Audit Service, Newspaper Advertising, Police Secondary Employment Unit, and Temporary staff. She indicated no letter of engagement had yet been signed with the audit firm, but that the Finance Office wanted the DCEC to include an expense provision in the event post-election results indicated a need for an audit. Commissioner Heim expressed reservations about the engagement letter since the content of the post-election report provided to the DCEC indicated the services undertaken were not a true audit, but merely a re-tabulation of the election results prior to certification.

Commissioner Heim made a motion to approve sending sample ballots re-purposing the expense line items as presented by Ms. Wilson provided AOE Barrett ascertained the DCEC could legally spend the funds as proposed. Commissioner Greer seconded the motion. The motion was defeated with Commissioners Bryan, Escobar-Burchwell, and Starling voting against the motion while Commissioners Greer and Heim voted in favor of the motion.

Administrator's Report: AOE Barrett reported that the representative for Council District 18 planned to resign in early January 2009 to accept a full-time position in Metro government. The resulting vacancy would require a special election to be held within 75-80 days of the representative's resignation.

Commissioner Heim inquired about any interim budget reductions required of the DCEC given the current economic downturn and revenue shortages faced by many governments. Ms. Wilson reported that the Mayor required a reversionary target budget cutting \$82,000 from the DCEC. She indicated that this cut will be met through unused 2008-09 election budget allocations without cuts to the DCEC recurring operations budget. Ms. Wilson confirmed to Commissioner Greer there were sufficient funds available to

complete the required address verification program required under state law and planned to be undertaken in the current fiscal year.

Finally, AOE Barrett reported the TACEO Middle TN Grand Division would hold its winter election law training seminar on January 6, 2009 at the Warren County Election Commission office. Only Commissioners Greer and Heim indicated they were interested in attending the training session.

Next Meeting: The next meeting was scheduled for 3:00 PM on Wednesday, January 7, 2009 for the purpose of addressing the likely vacancy to develop from the resignation of the representative of Council District 18.

There being no further business before the Commission, the meeting was adjourned.

Eddie Bryan, Chairman

Ana Escobar-Burchwell, Member

A. J. Starling, Member

Patricia Heim, Secretary

Lynn Greer, Member