

**Sumner County Election Commission  
Regular Monthly Meeting Minutes  
Tuesday, February 12, 2019**

**Members present:** Chairman M. Allen Ehmling, Secretary Patricia D. Collins and Member John W. Smith. Also present: Lori D. Atchley, Administrator of Elections and Annette Haw, Assistant Administrator of Elections. The meeting convened at 4:03 p.m. in Room 106 in the County Administration Building, Gallatin TN and a quorum was present.

I. Call meeting to Order

The meeting was called to order, motion by Commissioner Smith, seconded by Commissioner Collins and the motion passed 3-0.

II. Approve Agenda

The Agenda was approved with a motion by Commissioner Smith, seconded by Commissioner Collins, to approve the Agenda and the motion passed 3-0.

III. Old Business

Approve minutes of the following meetings:

November 13, 2018

Motion to approve by Commissioner Collins, second by Commissioner Smith and the motion passed 3-0.

January 8, 2019 minutes approved with a motion by Commissioner Smith, seconded by Chairman Ehmling, and the motion passed 3-0.

IV. New Business

A. Commissioners present inspected 65 newly processed voter registration applications out of the total registrations of 641 processed as required by statute with no discretions noted. All Commissioners present signed the report. Commissioner Fussell joined the meeting at 4:27 pm.

B. No appeals.

C. Report from Administrator:

Draft Code of Conduct (COC) was distributed to the SCEC – AOE stated that the State Election Commission is comprised of 4 Republicans and 3 Democrats and they had put forth a Draft Code of Conduct for AOE's and Election Commission Members. AOE explained that as she understood, the draft had been discussed, but not distributed, at the West Tennessee TACEO seminar earlier in the year, where much discussion and many questions arose as a result of the topic. No action was taken, and the draft was then distributed by the Coordinator of Elections Mark Goins to all AOE's prior to the Middle Tennessee TACEO meeting which was held February 6, 2019. AOE stated that State Commissioner Donna Barrett presented the COC – and similar to the West TN meeting, there were numerous questions and concerns. As AOE understands, the Commissioners are seeking to refine the draft COC, take input from AOE's and Commissioners across the state, revise the COC as necessary, and then vote on each line item of the COC. Their goal was to pass the COC prior to the appointment of new elections commissioners across the state in April 2019. Extensive discussion ensued

amongst the Commissioners. Commissioner Fussell made a motion that the SCEC draft a letter renouncing the COC all together, as it was not based in the TCA, was an overreach and was not necessary. Chairman Ehmling seconded the motion. More discussion was held amongst the Commissioners. A motion was made by Commissioner Fussell and seconded by Commissioner Smith to call the question on the motion. Commissioner Fussell and Chairman Ehmling voted in favor of the original motion; Commissioners Smith and Collins voted against the motion, and the motion failed due to the tie. AOE to provide contact information for the State Election Commissioners and Elected State Officials to the SCEC.

As previously instructed by the Commission, AOE placed Quarterly meetings on the agenda for discussion. A motion was made by Commissioner Smith and seconded by Commissioner Collins to hold SCEC meetings for 2019 as follows: May 14, 2019 at 4:00 pm; August 13, 2019 at 4:00 pm; and resuming regular monthly meetings on December 10<sup>th</sup>, 2019 at 4:00 pm with the caveat that, if needed, a meeting can be called prior to December 10, 2019 (with appropriate 5 day notice) if necessary for large number of registrations, unexpected issues, etc. The motion passed 4-0.

AOE presented a map of District 4 – stating that due to the rate of growth in that District, District 4 had already exceeded the TCA regarding the number of voters per precinct, which currently stands at 6,000 – with the caveat that the SCEC can increase that number of voters for a precinct if they deem that the location can handle the additional volume. AOE stated that two other precincts were close to the 6,000 ratio; however, purging based on previous List Maintenance had not yet been completed. AOE recommended that District 4 be split for the 2020 elections with an additional precinct added at Station Camp High School. AOE added that Sumner County had applied for a pilot program for Convenient Voter Centers for 2020. Rutherford County was the sole county for the pilot program in 2018. Sumner had initially been one of four counties approved for the pilot program for 2018; however, the final legislation only had provisions for Rutherford County. According to Coordinator Goins, legislators had indicated that four additional counties would be approved for the 2020 voting year, although he had requested 5 – 10 counties. Fifteen counties applied for the pilot program; however, there were to be some stipulations such as e-polls county wide, substantial support from the SCEC and the County Commission, an in house IT department, and had already participated in Satellite voting. AOE stated that although the County Commission had passed a 2015 resolution in favor of the convenient vote centers, a Sumner County commissioner penned a letter to the State Election Office against the convenient voting program, as it would make it more difficult for candidates to campaign. AOE stated that the CVC benefit to the voters should be considered above any individual candidate motives. AOE stated there was to be a conference call in the near future for the counties interested in Convenient Vote Centers, and she would advise SCEC as to the outcome.

AOE presented the 2019 List Maintenance Program for approval and adoption by the SCEC. AOE stated only change from previous program was removal of the language that related to inactivity due to the fact that state legislation passed in 2017 prohibited non-activity as the trigger to place a voter on inactive status; however, an address verification card will be sent with no change in voter status, unless returned mail is received – then the voter will be placed on inactive status, and a confirmation card will be sent to the voter. A motion was made to approve the 2019 List Maintenance Program by Commissioner Fussell, seconded by Commissioner Collins and the motion passed 4-0. The Commissioners present signed the 2019 List Maintenance Policy.

AOE presented 2019 – 2020 budget for approval by the SCEC to present to the budget committee and county commission. Several pending legislative bills were discussed, and the financial consequences of said legislation was included in the proposed budget, as the final determination of passage of legislation will not be concluded until May – June 2019 when the 2019 session ends. AOE also discussed the struggle to find an appropriate location in Hendersonville for 14 days of early voting, as Hendersonville is the largest voting block in the county. AOE stated that the Hendersonville Library had been utilized in previous elections; however, the site was not ideal due to lack of parking, location, and danger entering and exiting the site. AOE said that she

had met with Jim Young (Director of Libraries) earlier in the day, and he wanted us to limit the use of the library to 5 days during early voting, and this is of no help to our situation. AOE stated that she had contacted the agent for the shopping center where the old Wal-Mart/Sears building was located, and was advised that there was a space available that would be \$42,000 per year with a minimum three year lease. AOE stated that the City of Hendersonville could be contacted to see if they would consider paying half of the lease for three years until a long term solution could be found. Commissioner Fussell was concerned about the unknown factors in the budget. Chairman Ehmling explained that the county commission had, in the past, instructed the SCEC to present the worst case scenario, rather than coming back after budget approval with additional budget items. Commissioner Fussell mentioned that the number one priority was employee salary equalization. A motion to approve the 2019 – 2020 budget as presented was made by Commissioner Fussell, seconded by Commissioner Smith and the motion passed 4-0.

AOE concluded the Administrator report.

V. Report From Election Commissioners

Chairman

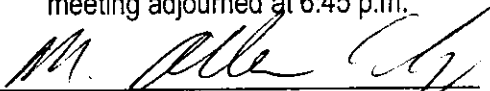
Chairman Ehmling stated that he had visited Welch University earlier in the day for an event, and thought it might make an alternative voting location for Early Voting for Hendersonville/Gallatin as it had a large gathering area and ample parking. Chairman Ehmling was going to pursue the possibility with Dr. Charles Lea, and inform the commission.

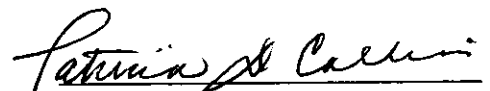
Commissioner Smith commented that the growth of the county needs to be addressed by the County Commission.

Commissioner Collins commented about a poll worker who did not receive pay after working on Election Day who informed her that she and her husband would no longer work as poll workers for elections. AOE Atchley and AAOE Haw explained that due to IRS rules, tax consequences to poll workers are not addressed until the worker has earned at least \$600.00. No taxes are withheld. Poll workers, according to IRS rules, are not treated as sub-contractors receiving 1099's, but rather employees. When a poll worker reaches \$1,800, FICA withholding is withheld back to the initial earnings, triggering a large, typically unexpected, FICA withholding amount. So, while the poll worker was technically paid, the last paycheck is little to nothing due to the withholding. AAOE said that she had spoken to the Finance Director, David Lawing, who stated that it would take a change to the IRS rules to address the matter. AAOE had requested that Mr. Lawing write a letter outlining the requested change to be submitted through a Tennessee Congressional Representative to initiate an IRS change. Commissioner Collins to follow up with Mr. Lawing and report back to the SCEC.

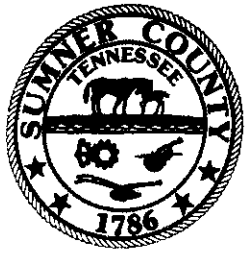
VI. Adjournment

Motion to adjourn by Commissioner Smith, seconded by Commissioner Fussell and the motion passed 4-0. The meeting adjourned at 6:45 p.m.

  
M. Allen Ehmling, Chairman

  
Patricia D. Collins, Secretary

  
Lori D. Atchley, Administrator of Elections



## **SUMNER COUNTY ELECTION COMMISSION**

355 N. Belvedere Drive, Room 106

Gallatin, TN 37066

Office (615) 452-1456 \* Fax (615) 230-6147

[elections@sumnertn.org](mailto:elections@sumnertn.org) \* [www.votessumnertn.org](http://www.votessumnertn.org)



### **VOTER REGISTRATION LIST MAINTENANCE PROGRAM**

The Sumner County Voter Registration List Maintenance Program per NVRA and TCA 2-2-106 (b) – (e) shall consist of the following activities to be performed by the Sumner County Election Commission staff as described herein:

1. Mailing Confirmation Notice to Voters
2. Purging Ineligible Voters
3. Using the Verification Card or other Non-Forwardable Mailer, such as the Voter Registration Card as needed

Per new legislation May 2017, any Tennessee County Election Commission can no longer include in the confirmation process the NON ACTIVITY DUE TO VOTING HISTORY for two November generals as the trigger for the Confirmation process.

During the months of January – April of each odd numbered year, the Sumner County Election Commission staff shall:

1. Identify each voter who has been on Inactive Status for a period of two (2) November general elections since the Confirmation Notice was sent and Purge those voters.
2. Review the following sources to identify voters to whom a confirmation notice must be sent.
  - a. Returned Mail that has been sent by the Sumner County Election Commission.
  - b. Information received through the National Change of Address (NCOA) Program.
  - c. Information from the Coordinator of Elections as a result of a comparison of voter registration addresses with the residential addresses on record with the Department of Safety.
3. Immediately upon sending the confirmation notice, the staff must change the status of the voter from active status to inactive status.
4. Staff must attach the documentation, such as, any returned mail, to the voter registration record as proof of the reason for making the voter inactive.

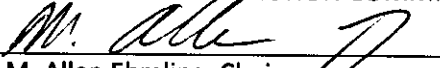
Throughout each month of each year, the Sumner County Election Commission staff shall perform the following duties:

1. Anytime the U.S. Post Office returns a mailer as undeliverable, including the non-forwardable verification card, a voter registration card or non-forwardable letter, which has been mailed to a registered voter by the election commission staff, the voter shall be mailed a forwardable confirmation notice and placed on inactive status. The returned mailer shall be kept with the applicable voter registration record.
2. As needed, mail the Non-Forwardable verification card or voter registration card to voters. If the card does not return to the election commission office, the voter shall be presumed a resident of the address on record and shall remain on active status.
3. The Sumner County Election Commission staff shall maintain a separate total of voters on Inactive Status and not include the number of Inactive Voters in the Sumner County's total of Registered Voters.

4. The staff shall update an inactive voter's status upon any activity, including, but not limited to the following:
  - a. Response to the Confirmation Notice
  - b. Change of Address Properly Filed
  - c. Voting
  - d. Request for Replacement Card
  - e. Duplicate Voter Registration Application
  - f. Signing a Petition, using the same address of registration
5. The election commission staff shall maintain records and documentation related to the list maintenance program, including, but not limited to:
  - a. The date of sending the confirmation notices;
  - b. A list of all voters and their addresses to which confirmation notices have been sent;
  - c. Any evidence supporting the reason for sending the confirmation notice must be maintained with the voter's records.
6. Records shall be electronically and physically retained.
7. The election commission staff shall maintain all purged records and documentation related to the reason for purge for two (2) years.

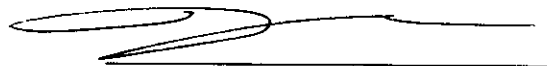
Adopted this 12<sup>th</sup> day February 2019:

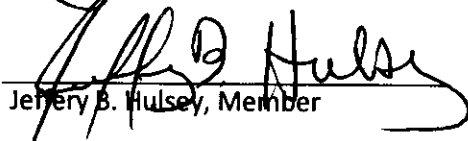
SUMNER COUNTY ELECTION COMMISSION

  
M. Allen Ehmling, Chairman

  
Patricia D. Collins, Secretary

  
J. Michael Fussell, Member

  
John W. Smith, Member

  
Jeffrey B. Hulsey, Member