

Minutes
State Election Commission
Subcommittee Meeting
January 9, 2017

The State Election Commission - Subcommittee meeting was called to order by Chairman, Donna Barrett, at 2:39p.m., Central Standard Time, January 9, 2017, 2016. The following members and staff were present: Commissioners Barrett, McDonald and Wheeler; Coordinator of Elections Mark Goins and Kathy Summers, Elections Specialist.

Chairman Donna Barrett went over the overview of the subcommittee task and objectives.

The task and objectives are as follows:

- Discuss possible change to TCA § 2-1-112(a)(1) restricting county election commissioners from serving on various paid boards and commissions;
- Discuss and review the current State Election Commission policy allowing former Administrators of Elections to maintain their certification, after they are no longer employed by the county election commission.

Restrictions Regarding Serving on the County Election Commission

Commissioner Mike McDonald discussed an appointment he attempted to make where an individual was appointed to a utility board, and was compensated for his service on the utility board. The person was disqualified from serving on the county election commission because he was compensated for serving on the utility board.

Chairman Barrett did some research on various board and commissions and they vary throughout the state. There is no uniform standard to apply. Chairman Barrett also reviewed Attorney General Opinions regarding various positions and holding more than one position.

Coordinator Goins suggested amending the law to allow those sitting on a part time paid board and commission to also sit on the county election commission.

Commissioner Wheeler suggested placing a dollar amount regarding serving on various paid boards and commissions and allowing members to also sit on the county election commission.

Discussion followed. The subcommittee suggested the following to be presented to the State Election Commission and drafted for legislation:

- Amend TCA § 2-1-112(b)(2) by expanding and adding utility district employees;
- Add the following section: “This section does not disqualify any member of a board, or committee, who is not appointed or elected by an elected official.”

Administrators of Elections – State Election Commission Policy Regarding Maintaining Certification Status after the Administrator is no Longer Employed as an Election Official

Chairman Barrett went over the current State Election Commission policy adopted on June 13, 2011. The motion and current policy is as follows:

- The State Election Commission discussed whether a terminated AOE or an AOE who has resigned / retired is still certified after they are no longer employed by an election commission.

Motion was made, seconded and unanimously approved to conditionally certify previous Administrators' of Elections (AOE's) who either resigned, retired or were replaced, but who returned to the position of AOE within three (3) years of separation; provided such AOE, within six (6) months of rehire attends four (4) days of training given by the Coordinator's office and takes a non-binding mock exam. After three (3) years of not attending the State seminar the AOE is no longer certified.

Chairman Barrett discussed a former Administrator of Elections who was terminated for cause and attends the annual training. It is Chairman Barrett's position that an Administrator who is terminated for cause should not fall under this policy.

Discussion followed. The subcommittee suggested the following amendment to the current State Election Commission Certified Administrator policy:

- If an Administrator of Elections is terminated for cause they lose their certification and may not attend the annual training/seminar.

Chairman Barrett adjourned the meeting.

Respectfully submitted,



Mike McDonald, Secretary
State Election Commission

2-1-112. Restrictions on commission or board membership or service as election official.

(a) (1) Neither an elected official nor an employee of a county, municipal or federal governmental body or agency or of an elected official may serve as a member of a county election commission or as a member of a county primary board or as an election official. No candidate in an election may act in connection with that election as a member of any board or commission established under this title or as an election official.

(2) No state employee may serve as a member of a county election commission or as a member of a county primary board.

(3) No member of a county election commission who is appointed to the commission after January 1, 2009, shall be the campaign manager or treasurer of any candidate's political campaign in a local, state or federal election during the commissioner's term of office. A violation of this subdivision (a)(3) subjects the member to immediate removal from office by a majority vote of the state election commission. Nothing in this subdivision (a)(3) shall be construed to prohibit a member of the county election commission from providing uncompensated advice on a one-on-one basis to a candidate or party officer, nor shall it prohibit providing a financial contribution to a candidate or party organization.

(b) (1) This section does not disqualify any person who is within its terms solely because the person is a notary public, or a member of a reserve unit of the United States army, air force, marine corps or navy, or a member of the national guard unless the person is a full-time employee or member of such reserve unit or the national guard, or unless the person is on active duty.

(2) This section does not disqualify any employee of a county or city school system who does not work directly under the supervision of an elected official.

(3) This section does not disqualify any person from service as an officer of elections, judge, machine operator, assistant precinct registrar or inspector because the person is a member of a reserve unit of the United States army, air force, marine corps or navy or the national guard except while the person is on active duty.

HISTORY: Acts 1972, ch. 740, § 1; 1978, ch. 538, § 1; 1979, ch. 304, § 1; T.C.A., § 2-112; Acts 1981, ch. 106, § 1; 1984, ch. 664, § 1; 2005, ch. 163, § 5; 2008, ch. 1051, § 1; 2013, ch. 146, §§ 1-3.

State Election Commission

Current Policy for Certified AOE's to Maintain Certification Adopted - June 13, 2011

- The State Election Commission discussed whether a terminated AOE or an AOE who has resigned / retired is still certified after they are no longer employed by an election commission.

Motion was made, seconded and unanimously approved to conditionally certify previous Administrators' of Elections (AOE's) who either resigned, retired or were replaced, but who returned to the position of AOE within three (3) years of separation; provided such AOE, within six (6) months of rehire attends four (4) days of training given by the Coordinator's office and takes a non-binding mock exam. After three (3) years of not attending the State seminar the AOE is no longer certified.