

**SUMNER COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MARCH 14, 2023, 4:00 p.m.**

Members present: Acting Chairman Jeffery B. Hulse; Secretary Patricia D. Collins; Commissioner J. Michael Fussell, and Commissioner Denise D. Shepherd. Chairman M. Allen Ehmling arrived at 5:04 p.m. Also present: Lori D. Atchley, Administrator of Elections and Annette Haw, Assistant Administrator of Elections.

I. CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m. by Acting Chairman Hulse with a motion by Commissioner Fussell, seconded by Commissioner Collins, and the motion passed 4 – 0.

II. APPROVE AGENDA

Acting Chairman Hulse requested a motion to approve the agenda. Commissioner Fussell made a motion to amend the agenda due to what, in effect, was an eviction letter to the Election Commission regarding occupation of the former TRC building. The Election Commission received the eviction letter from Law Director Eric Sitler after the Election Commission Regular Meeting Agenda was posted on March 8, 2023. Commissioner Fussell's motion was to include further consideration of the matter in an Executive Session following the Administrators report (addition would be item IV. D.) seconded by Commissioner Collins. Acting Chairman Hulse requested a clarification of the motion. Motion by Commissioner Fussell to accept the agenda as amended, seconded by Commissioner Collins and the motion passed 4-0.

III. OLD BUSINESS

A. APPROVE MINUTES

- A motion to approve the February 28, 2023, Special Call Meeting minutes was made by Commissioner Fussell, seconded by Commissioner Collins and the motion passed 3-0 with Commissioner Shepherd abstaining.
- A motion to approve the February 14, 2023, Regular Meeting Minutes was made by Commissioner Fussell, seconded by Commissioner Collins, and the motion passed 4-0.

- A motion to approve the January 10, 2023, Regular Meeting Minutes was made by Commissioner Fussell, seconded by Commissioner Collins, and the motion passed 4-0.

IV. NEW BUSINESS

A. INSPECTION – APPEAL PROCESSED VOTER REGISTRATION APPLICATIONS

AOE Atchley requested that people who had moved chairs from the public seating area into close proximity of the table where the Election Commissioners were assembled, move back to the public seating area while the voter registration applications were reviewed by the Election Commissioners. No movement occurred. Commissioner Fussell again requested that the members of the public move to the public seating area, as they were not privy to the information. A member of the public stated that there was no information on the voter application that was not included in the voter rolls. Chairman Fussell called the citizen out of order and again requested that everyone move to the public seating area during the review of the voter registration applications. Acting Chairman Hulsey stated that was not a correct statement regarding the information on the voter registration applications. The citizen continued to speak, after being called out of order, demanding an explanation as to why they were being asked to move. Commissioner Fussell once again requested that everyone in the immediate proximity of the Commissioners move to the designated public seating area in order that the Commissioners be able to complete the review of the voter registration applications, further stating that the information contained on the voter registration applications was confidential, and the public was not privy to that information. Commissioner Fussell stated that he would call the Sheriff if necessary. Assistant Law Director Weiner stated that this was a public meeting and refused to move to the designated public seating area. Commissioner Collins further commented that this was, in fact, a public meeting, but that these were private voter registration applications that had to be reviewed and requested again that the public move to the designated area, and further stated they could return upon the Election Commission's completion of the review of the voter registration applications. Commissioner Hulsey stated that the Election Commission meetings were open to the public, with the exception of the inspection of voter registration applications, because there is confidential, personal information that a) is not part of the voter roll and b) is not available to the public. Commissioner Collins also stated that cameras could not be used during the voter registration review process. Law Director Eric Sitler stated that in the past, a Law Director had never attended an Election Commission meeting. Commissioner Fussell notified the commission that a squad car had been deployed to the meeting, and declared the

that the meeting be held in recess until the deputy arrived. County Mayor John Isbell stepped forward and stated that the Election Commission needed to go into Executive Session to review the registrations. County Mayor Isbell was not recognized and was likewise out of order in speaking to the Commission during a duly called meeting. AOE Atchley stated that the Election Commission would not be going into Executive Session to review voter registration applications.

Commissioner Fussell again made a motion to recess the meeting until the law enforcement officer arrived, seconded by Commissioner Shepherd and the motion passed 4 – 0 and the meeting was in recess at 4:08 p.m.

AOE Atchley attempted to provide Law Director Sitler with statutes 2-2-121 (c) and 2-2-141 (e) regarding confidential information as it relates to voters, which he refused to acknowledge or accept.

Upon arrival, the deputy attempted to resolve the matter. Law Director Sitler and Assistant Law Director Weiner refused to move back to the public seating area, out of view of the confidential voter information. The Election Commission attorney, Tom Lee, approached Law Director Sitler requesting to know who Sitler was representing at the meeting. Sitler just continued to repeat he was the Law Director and was not moving. Tom Lee advised the Election Commission to strike the Voter Registration Applications review, as statutorily required, due to the interference of Law Director Sitler and Assistant Law Director Weiner and other members of the public.

Motion by Commissioner Fussell, seconded by Commissioner Shepherd to reconvene the meeting and the motion passed 4-0. The meeting was reconvened at 4:25 p.m.

Motion by Commissioner Fussell, seconded by Commissioner Shepherd to strike items IV. B and IV. A from the Agenda. The motion passed 4-0.

B. INSPECTION – NEWLY PROCESSED VOTER REGISTRATION APPLICATIONS

- Stricken from the agenda.

C. REPORT FROM ADMINISTRATOR

ELECTION COMMISSION MOVE

- AOE Atchley stated that at their last meeting, the General Operations Committee had voted that the Election Commission would remain in the Administration Building. AOE, as repeatedly stated on multiple occasions at various meetings, the new voting machines, totes, precinct cases, signage and all supplies simply would not fit in the space allotted in the Administration Building, and; therefore, considered the matter unresolved.

BUDGET UPDATE

- AOE stated that the Election Commission budget had been submitted by the March 1, 2023, deadline. At the budget committee meeting the previous evening, March 6, 2023, times, and dates for budget committee hearings were discussed. No permanent dates or times were established. The budget committee was to send an e-mail to members to see if a consensus could be reached on a schedule. AOE to notify the Election Commission as soon as hearing dates regarding Election Commission funding were determined.

NEW VOTING MACHINE UPDATE

- AOE advised that delivery of the new voting machines was still anticipated in March, 2023; however, orders for counties with 2023 municipal elections were being filled first, then the other counties would follow in order of contract date submitted.

OTHER

- None.

EXECUTIVE SESSION

- Motion by Commissioner Fussell, seconded by Commissioner Shepherd to call the meeting in recess to enter Executive Session at 4:38 p.m., and the motion passed 4-0.
- Motion by Commissioner Fussell, seconded by Commissioner Collins to reconvene the regular meeting at 5: 02 p.m. and the motion passed 4-0.
- Commissioner Fussell made a motion that, considering the threatened eviction letter written and submitted to the Election Commission by Law Director Eric Sitler, to instruct Election Commission Attorney Tom Lee to take whatever

steps were necessary to ensure that the Election Commission could fulfill their duties and obligations under Title 2 of the Tennessee Code Annotated, seconded by Commissioner Shepherd, and the motion passed 4- 0.

V. REPORT FROM ELECTION COMMISSIONERS

A. CHAIRMAN

- No Report

B. ELECTION COMMISSIONERS

- Commissioner Collins stated that she was working with Sumner County High Schools to complete the statutorily required hours for voter registration.

VI. EQUIPMENT AND SPACE REQUIREMENT PRESENTATION

A. SUMMARY BY ADMINISTRATOR OF ELECTIONS

- AOE introduced Poll Worker and Officer of Election Cathy Drumwright who took Commissioners and members of the public through the training space requirements, equipment set-up and space requirements, size requirements for precinct totes, cases, signage, and other necessary election supplies.

Chairman M. Allen Ehmling arrived at 5:04 p.m.

VII. ADJOURNMENT


- Motion by Commissioner Fussell, seconded by Commissioner Collins to adjourn the meeting and the motion passed 5 – 0. The meeting was adjourned at 5:30 p.m.



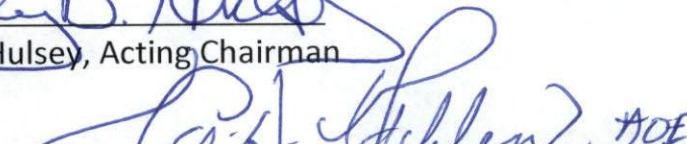
M. Allen Ehmling, Chairman



Patricia D. Collins, Secretary



Jeffery B. Hulse, Acting Chairman



Lori D. Atchley, Administrator of Elections

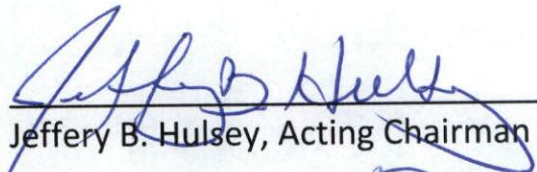
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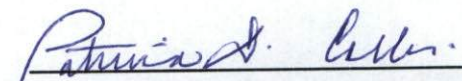
The Executive Session was called to order by Acting Chairman Hulsey with a motion by Commissioner Fussell seconded by Commissioner Collins, and the motion passed 4 – 0.

The Commission received legal counsel regarding the proposed eviction of the Election Commission from the former TRC facility initiated by Sumner County Law Director on March 10, 2023. No action was taken.

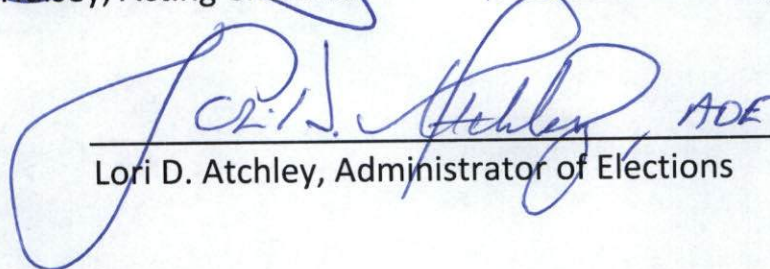
Motion by Commissioner Fussell, seconded by Commissioner Collins to adjourn the Executive Session, and the motion passed 4 – 0.



Jeffery B. Hulsey, Acting Chairman



Patricia D. Collins, Secretary



Lori D. Atchley, Administrator of Elections