

# Election Commission

## Minutes of Meeting on January 17, 2012

### Members Present:

Chairman Henry Inman, Secretary - David Rackley, Bill Callahan, Judy Mitchell  
Administrator of Elections, Kathy Bassham

Meeting was called to order at: 3:20 p.m. by Chairman Inman Location: Election Commission Office

Minutes were mailed to each member prior to the meeting. Motion by Callahan Seconded by Mitchell to accept the minutes as submitted. Motion passed.

### Discussions:

1) The Commission was directed to hold its organizational meeting by Administrator Bassham. On a motion by Callahan, seconded by Rackley, Henry Inman was nominated a Chairman. Motion passed unanimously.

On a motion by Mitchell, seconded by Callahan, David Rackley was nominated as Secretary. Motion passed unanimously.

2) Bassham passed out a list of Poll Workers for the upcoming elections. Everyone agreed the Poll workers should be commended for their dedicated service to the Election process. Motion by Rackley, seconded by Mitchell to accept the list provided by Bassham. Motion passed.

3) Administrator Bassham discussed the Legislative Breakfast to be held January 24th from 8 -12 am

4) County Attorney Lucy Henson performed the swearing in ceremony for recently re-appointed Commissioners Inman and Mitchell. All Commissioners were sworn in again.

5) The Prospect voting precinct was discussed. Because of the lack of air conditioning the Prospect Rescue Squad Building is unsuitable. It was discussed that the Liberty United Methodist Church could be used. It was also mentioned that Glen Lamar's building on Bethel Road would be an excellent location if he would rent it to us. Rackley agreed to contact Glen Lamar and Bassham agreed to contact the church for a tour of the facilities.

6) Bassham mentioned before the commissioners left the meeting the Absentee Ballot boxes need to be locked. Commissioner Rackley and Commissioner Inman were provided the keys for safe keeping.

7) Commissioner Rackley updated the entire commission on the events to date on filling the vacancy of Commissioner JoAnn Bryant. Commissioner Rackley passed out a "Chain of events" detailing all actions taken along with copies of all correspondence. (Attached is a copy of the actions). Commissioner Rackley expressed his concern that he felt like the process he and Commissioner Callahan had taken was the same protocol taken by the Election Commission over the past 30 years. That process being that a recommendation was submitted to the State Representative representing Giles County. Those representative always presented that nomination to the State Election Commission for approval. It has always been approved. At this time, State Election Commissioner Tom Dubois stated he will accept the nomination submitted by Senator Jim Summerville, but will wait to hear back from us and will not appoint anyone until the next State Election Commission meeting in mid-February. Rackley discussed a phone call earlier to Don Parr, who claims to be the Chair of the Giles County Republican Party. Mr. Parr told Commissioner Rackley that he had the final say in who was appointed to fill this position and it was "a done deal". Commissioner Rackley asked Mr. Parr if this nomination came from the Republican party, Parr stated "yes". Commissioner Rackley asked if they had voted on it. Parr stated, "I don't know why this is such an issue with you!". So apparently Mr. Parr feels he has control of the entire Election Commission himself, and the nomination came from him and him alone. Commissioner Rackley read the Tennessee Code Annotated Election Law regarding appointing commissioners. TCA states:

[TCA 2-12-103 \(b\)\(4\) Before appointing county election commissioners, the members of the state election commission shall consult with members of the general assembly serving each of the counties as to the persons to be appointed to the county election commission.](#)

[AG opinion: While TCA requires the state election commission to consult with the local legislative delegation before appointing members of a county election commission, it does not mandate that the state election commission follow the recommendations of the local legislative delegates. \(OAG 05-049 \(4/19/05\)\)](#)

Commissioner Rackley asked Mr. Parr to call a meeting to conduct an official vote on this matter. Mr. Parr refused stating it was a “done deal” and suggesting I call Tom Dubois.

Commissioner Rackley stated “Mr. Parr sent Mr. Speer to inquire about a vacancy and to let us know he was interested in filling a vacancy if there were one. Rackley stated that Mr. Speer was employed by Mr. Parr at his business at this time. Mr. Parr has since terminated Mr. Speer. Mr. Rackley stated he feels this is the bottom line reason for all of the controversy around this nomination.

8) The new State Election Law books were passed out to all members.

Motion by Rackley, seconded by Callahan to Adjourn. Motion passed.  
Meeting adjourned at 4:00 p.m.

Minutes Submitted by Secretary David Rackley



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## **Chain of Events - Election Commission Vacancy**

**2010** - Scott Speer came to the Election Commission office to inquire about a possible vacancy on the Commission by the retirement of JoAnn Bryant. He told Kathy Bassham, Don Parr had sent him to inquire about it. Don is the Chair of the Giles County Republican Party. Kathy informed Scott that Mr. Bryant had not indicated she was retiring.

**November 30, 2011** - Commissioner JoAnn Bryant submitted a letter of resignation effective December 15, 2011.

**December 1, 2011** - Commissioner Rackley contacted State Representative Eddie Bass and discussed the nomination process. Representative Bass suggested we let Senator Summerville know of our nomination and to carbon copy him on all correspondence.

**December 6, 2011** - Commissioners Rackley and Callahan submitted a letter to State Election Commissioner Tom Dubois and Senator Jim Summerville announcing Commissioner Bryant's Resignation. At this time they announced that Scott Speer had shown an interest in serving on the commission and requested they appoint him. Scott was the only person that has shown an interest in serving on the Commission.

**December 8, 2011** - Commissioners Rackley and Callahan received a carbon copied letter from Commissioner Dubois to Senator Jim Summerville advising him of the nomination of Scott Speer.

**December 15, 2011** - Election Commission meeting to accept the resignation of Commissioner JoAnn Bryant. Commission Secretary Rackley, reviewed all correspondence with the entire Commission on the nomination of Scott Speer. The entire Commission voted unanimously to approve the nomination of Scott Speer.

**December 15, 2011** - Secretary Rackley forwarded the minutes of the Election Commission meeting to Commissioner Dubois and to Senator Summerville.

**December 16, 2011** - Commissioner Rackley was informed there was a meeting held at the home of Don Parr of the Giles County Republican Party. Commissioner Rackley assumed it was for voting to fill the vacancy of Commissioner JoAnn Bryant.

**December 17, 2011** - Commissioners Rackley and Callahan received another letter carbon copied to Senator Summerville requesting his acceptance of the Giles County Election Commissions nomination.

Commissioner Rackley was informed no official vote was taken to nominate someone for the vacancy on the Election Commission.

**January 6, 2012** - Administrator of Elections Kathy Bassham receives a telephone call from Senator Summerville's office informing her he was appointing someone other than the Commission and Representative Bass' recommendation.

**January 6, 2012** - Commission Rackley sends a letter to Summerville expressing his dissatisfaction in the nomination process that he has undertaken.

**January 11, 2012** - Commissioner Rackley calls Commissioner Dubois to discuss the nomination process.

**January 12, 2012** - Commissioner Rackley calls the office of Senator Summerville and leaves a voicemail asking the Senator to return his call regarding the nomination process. No call, e-mail nor letter has been received from Senator Summerville's office.

**January 13, 2012** - Commissioner Rackley again calls Tom Dubois office. Commissioner Dubois returned his call stating that he felt obligated to follow protocol and accept Senator Summervilles' recommendation. Commissioner Rackley ask that the appointment not be made until the local party can hold an official meeting and vote on the nomination. Commissioner Dubois stated the next meeting of the State Election commission will be held mid-February. He agreed to hold it until that date.

**Janary 17, 2012** - Commissioner Rackley calls Giles County Republican Party Chair Don Parr to discuss the nomination. Mr. Parr states it is a done deal. Rackley request that Mr. Parr hold a "honest" meeting and let the party vote on this position.