

## **I. In Focus This Week**

### **Partisan shift reshapes face of election administration in Tennessee**

*Some long-time elections administrators ousted after GOP takes control of Legislature*

By [M. Mindy Moretti](#)

Decades of election experience is leaving in several Tennessee counties as long-time election administrators are being replaced by newly Republican-controlled election commissions. Others may be on their way out in the coming weeks as well.

Republicans have not held a majority in the [Tennessee Legislature](#) since Reconstruction, but with the GOP takeover of both houses of the legislature, election commissions in all 95 Tennessee counties had to be changed to three Republicans and two Democrats.

The shake-up began when the Tennessee Legislature appointed Republican Tre Hargett to serve as [secretary of state](#). Hargett then appointed former state [Rep. Mark Goins as the state election coordinator](#).

In addition to serving as a state representative, Goins was also in the middle of his second term on the state election commission when tapped by Hargett.

Then came the first Monday in April when all county election commissioner seats expired and the new Republican-controlled election commissions took over.

Under Tennessee law, new election commissions can do one of three things: fire the current election administrator, officially ask that the current election administrator be retained, or do nothing at all.

Just as the new Republican-controlled election commissions were being sworn-in across Tennessee, the state's Attorney General released a [7-page opinion](#) that essentially opened the door for the replacement of the state's 95 election administrators.

The ruling said that a court could find the dismissal of a county elections administrator, solely on the basis of their party affiliation, to be a violation of their First and Fourteenth Amendment Rights.

However, the ruling also went on to say that, "If, however, a county election commission can demonstrate that it has delegated broad discretionary policymaking authority regarding budgetary matters and/or the implementation of its goals and programs to the administrator of elections, then under those circumstances a court could find that that political affiliation is an appropriate requirement for the effective performance of that particular administrator's position."

"County election commissions have some level of strain built into them since they are, by law, divided according to political party," said Mark Byrnes, professor of political science at [Middle Tennessee State University](#). "Because it has been so long since partisan control of the General Assembly has changed, thus requiring changes in the county election commissions, it is difficult to say whether the current level of tension is unusual."

Whether or not the current level of tension is unusual, since the AG's ruling, veteran election administrators in several counties have been let go and more may be on the way out in the coming weeks.

In [Sullivan County](#), the election commission voted 3-2 along party lines to replace Gena Frye, who had held the position for 13 years, with Jason Booher, the county's GOP chairman.

"It's sort of like a marriage," Frye said from her office in Blountville, where she no longer has a title, but is helping with the transition to the new elections administrator. "You don't go into it expecting to get a divorce, but sometimes these things happen."

According to an article published in the *Bristol News*, election commission Chair James Holmes said Frye was let go because Holmes had had difficulties working with her and that she failed to tell commissioners about new rules and regulations dealing with the state's new optical scan voting machines.

Frye denies the allegation and a reporter with the *Bristol News* said that he had not seen any evidence where problems existed with Frye's performance. Frye said she didn't lobby to keep her job because she felt that the existing election commissioners knew her and her work.

"I felt like they knew me and that my work stood for itself," Frye said. "I guess though ultimately I wasn't surprised by their decision, I was just surprised at the speed of it all."

Frye will be staying on with the county for about six weeks to help with the transition and prepare for municipal elections in May.

Secretary Hargett felt it would be inappropriate to comment on the personnel decisions of local election commissioners, but he did say that he supports their authority to make such decisions.

"I trust local election commissioners' ability to weigh all factors when making personnel decisions," Hargett said. "Obviously experience may be one of the many factors in making these difficult decisions."

The [Megis County](#) election commission replaced 20-year veteran Clata Thompson with Delores Grissom. Grissom, who served as a circuit court clerk for three terms in the 1980s and 1990s has no-known election administration experience and will be brought in at a beginning salary of \$38,000, a salary that critics say customarily only goes to an administrator after they pass certification tests — something Grissom isn't scheduled to take until August at the earliest.

Hargett and Goins, the new state elections coordinator, have developed an 8-point training approach to help with the sweeping changes in election administrators. Hargett says this approach exceeds any previous state training efforts.

Some of the new training elements include: annual training seminar on election laws and procedures; a new training Web site for election officials; development of manuals for new administrators; certification exams in August, October and December; mock exams to help prepare for the certification exams; and time permitting, one-day training sessions across the state.

Hargett said county election offices have been categorized into two groups: those hosting city elections in the remaining months of 2009 and those that are not. Counties hosting an upcoming election are given top priority for training and instruction.

"It is the goal of the state to have a state election official to visit with each newly hired administrator of elections as soon as possible to assess their immediate needs during the first few months on their job, Hargett said. "These visits have already begun."

Although the decision of the election commissions is final, it doesn't mean that everyone has to be happy with that decision and the county commission in [Cumberland County](#) passed a resolution opposing the possible change of the election administrator—the first meeting of the election commission was scheduled for press time.

The resolution, which was approved 15 to 1, states the county "expresses its extreme displeasure and opposition to replacement of the Cumberland County administrator of elections and/or members of the staff of the Cumberland County Election Commission office."

Other administrators reported to have lost their jobs already or may be losing their jobs are: Loretta Sliger (32 years experience) in [McMinn County](#), Sarah Bailey (3.5 years experience) in [Unicoi County](#), and Patricia Lumpkins (2 years experience) in [Hawkins County](#).

Of course not all 95 election administrators have been or will be fired. Connie Sinks in [Washington County](#) was retained when the election commission in Washington County voted to rehire Sinks for the job in which she has served for 26 years.

"I felt pretty secure that I had done a good job and I did speak with some of the Republican members before the meeting, but it was a concern that I could lose my job," Sinks said.

Although this was the first time in 26 years it had ever come up whether or not Sinks should keep her job, at their meeting this week, the Washington County election commission voted unanimously to rehire Sinks.

"I just think that Washington County is different," Sinks said as a way to explain why she was able to keep her job and others were not. "When it comes to election issues, we're pretty nonpartisan and I've had working relationships with both sides for years."

And the shake-ups aren't limited to the chief election official in each county either. In [Hamilton County](#), one of the first pieces of business the new election commission chose to take up was to vote to put the county elections office workers under the county personnel system.

The makeup of the state election commission will not change until members' four-year terms expire in 2011.

## II. Election Reform News This Week

- A [proposed change to New Jersey election laws](#) that would save money and trees is picking up steam, with the Monmouth County Board of Freeholders planning to take up a resolution urging action by the state Senate. In February, the Assembly unanimously approved a bill co-sponsored by Caroline Casagrande, R-Monmouth, which would eliminate the required mailing of sample ballots to inactive voters in each county. Casagrande on Thursday said she anticipates the Senate will develop a companion bill in the coming months. Monmouth County spent \$39,200 in extra postage through three election cycles last year in order to comply with the current outdated laws, Hedra Siskel, the county's elections superintendent told *The Asbury Park Press*. The proposed change is among a glut of economy-driven ideas that has been tossed around in Trenton, though Casagrande said, "It really is a no-brainer among the cost-saving measures that are out there," adding that she is not aware of any opposition. "I don't think anybody is interested in having extra sample ballots being printed up and mailed back and forth if there are no registered voters at an address," Casagrande said.
- From gay marriage to budgetary issues, residents of California are asked to cast their vote on many different issues. In June, residents of Riverside County may cast their ballots [advising supervisors how they feel about the county's use of electronic voting machines](#). Supervisors voted to consider such a ballot measure following a presentation from an elections watchdog group that criticized the county's touch-screen machines and tracking and counting of votes in the November election. "I would like to see an advisory vote put on the ballot for the citizens of this county to tell us what they feel about electronic voting machines and whether they have the confidence that this board seems to have," Supervisor Jeff Stone said toward the end of about three hours of public comment and presentations. Supervisors Bob Buster and John Tavaglione approved Stone's motion that county Registrar Barbara Dunmore report back on the costs and

legality of an advisory vote asking if the county should be more proactive in efforts to reinstitute electronic voting.

- This week, Republican Norm Coleman [asked the Minnesota Supreme Court to revisit](#) nearly six months of post-U.S. Senate election twists and turns in an attempt to regain his Senate seat. The appeal raises five objections for the justices to weigh, including a constitutional question central to Coleman's complaints: whether local election officials applied differing standards in accepting or rejecting the 293,000 absentee ballots cast in the 2008 election. "Minnesota's a state that believes in enfranchising, not disenfranchising, voters," Ben Ginsberg, a spokesman for Coleman's legal team told the Pioneer Press. Coleman's camp wants some 4,000 additional absentee votes opened and counted. "There is a principle at play. A large measure of this appeal is that principle."

### III. Research and Report Summaries

*electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to [sgreene@pewtrusts.org](mailto:sgreene@pewtrusts.org).*

[Election Enhancements in Ohio: A Report to the Governor and the General Assembly](#) – Office of the Ohio Secretary of State, April 22, 2009

Following two state election summits and [recent recommendations](#) generated from these meetings, the Ohio Secretary of State's office has [released](#) its own report recommending enhancements to the state's election process. These include:

- Cost-saving measures such as moving special elections to primary or general election days. Using vote-by-mail for vacancy in office special elections. Consider limiting the language length of state ballot measures and exploring vote center pilot projects.
- Streamlining the provisional ballot process by limiting the reasons voters are required to vote a provisional ballot. Additionally changing the wrong precinct rule to allow a ballot cast anywhere in a county to be remade and counted if cast by an eligible voter.
- Improving the state's registration database by finalizing a matching process with the Ohio Bureau of Motor Vehicles and the Social Security Administration. Give counties some type of access to relevant non-matches with guidance on how to handle those non-matches, including specifying that on its own a non-match cannot be the basis for disenfranchising a voter.
- Streamlining the state's voter ID laws by focusing on verification of identity, not address.
- Decreasing the in-person early voting period to 20 days before a general election, while increasing the number of locations allowed from one to four.

[Election Administration Reform and the New Institutionalism](#) – Richard Hasen, *California Law Review*, draft, forthcoming 2010

Hasen uses Heather Gerken's recent book [The Democracy Index: Why Our Election System Is Failing and How to Fix It](#), to consider what he describes as the New Institutionalism, where election administration reform is undertaken through designing new institutions or mechanisms. Gerken suggests creating a method where states' election systems are ranked based on a number of criteria in the hopes of creating incentives for an improved elections process. If done right, Hasen states, such an index could help professionalize election administration in the U.S. However, he argues the index is not a panacea and would not be able to overcome both the partisanship and localism of elections. Challenges are cited such as the hard-to-measure aspects of elections as well as the partisan tinge of other potential measurements – for example how and would the highly partisan issue of voter fraud be gauged? Hasen suggests a potentially more successful approach would look to Old Institutionalism - hardball politics backed by one party pushing election-related legislation or wealthy individuals backing election administration initiatives in states that have an initiative process.

### IV. Opinion

California: [Riverside County, II](#); [Voter registration](#); [Secretary of State](#)  
Florida: [Election reforms, II, III, IV, V, VI](#)  
Georgia: [Voter education](#)  
Maine: [Early voting](#)  
Minnesota: [Recount](#); [Election reform](#)  
Missouri: [Voter ID](#)  
New Jersey: [Absentee ballots](#)  
New Mexico: [Secretary of state](#)  
New York: [Lever machines](#); [Voting system](#); [Election-day registration](#)  
North Carolina: [Cost of local elections](#)  
Ohio: [Election reform](#)  
Tennessee: [Election administrators](#)  
Vermont: [Instant-runoff voting](#)

*\*\*some sites require registration*

## **V. Job Opportunities**

*All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to [mmoretti@electionline.org](mailto:mmoretti@electionline.org)*