

**Minutes**  
**State Election Commission Meeting**  
**April 9, 2018**

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The State Election Commission meeting was called to order by Chairman Jimmy Wallace at 12:07 p.m., Central Standard Time, April 9, 2018. The following members and staff were present: Commissioners Barrett, Blackburn, McDonald Wheeler and Younce; Coordinator of Elections Mark Goins and Kathy Summers, Elections Specialist.

Commissioner McDonald made a motion to adopt the minutes from January 8, 2018, Commissioner Blackburn seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Barrett made a motion to adopt the telephonic minutes from February 1, 2018, Commissioner Blackburn seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Blackburn made a motion to adopt the telephonic minutes from March 2, 2018, Commissioner Younce seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Barrett made a motion pursuant to TCA. § § 2-12-101 and 2-12-106, seconded by Commissioner McDonald to accept and approve the nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Time, Monday, April 9, 2018. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.) **(See attached list of appointments made.)**

**Old Business**

- **Legislation — County Election Commissioners – Appointments and Restrictions.** No update given.

**New Business**

- **Hart InterCivic – Request to approve EAC certified de Minimis changes to Verity 2.0. - Presented by Chad Colgan of Harp. –** Chad Colgan of Harp Enterprises spoke on behalf of Hart InterCivic and requested approval of the de Minimis changes made to the Verity 2.0 Voting Machine.

Commissioner Wheeler made a motion to approve the EAC certified de Minimis changes to the Verity 2.0 voting machine, seconded by Commissioner Barrett. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.) (See attached presentation documents and certification information.)

- **Show Cause Hearing - Pursuant to Tenn. Code Ann. § 2-12-101(b), to discuss allegations of Commissioner Terry Herrin creating a hostile work environment for the election commission staff, to hear testimony regarding such allegations and to deliberate on removal of Putnam County Election Commissioner Terry Herrin for cause.**

Commissioner Younce made a motion to move the show cause hearing to the bottom of the calendar, seconded by Commissioner Barrett. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Request by Andrea Smothers, Administrator of Elections for Haywood County to be excused from annual training on June 4-6, 2018, due to early voting in the City of Brownsville.**

Commissioner Blackburn made a motion to excuse Andrea Smothers from the annual training due to early voting in the City of Brownsville, seconded by Commissioner Younce. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Request by Craig Story, Administrator of Elections for Overton County to be excused from portions of training on June 5, 2018, due to the Town of Livingston city election on June 6, 2018.**

Commissioner Barrett made a motion to excuse Craig Story from portions of the annual training due to the Town of Livingston election being held on June 6, 2018, seconded by Commissioner McDonald. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Approval of those Administrators of Elections who passed the certification exam given on March 22.**

Commissioner McDonald made a motion to certify those Administrators of Elections who passed the certification test given on March 22, 2018, and Commissioner Barrett seconded the motion. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and

Younce; No votes: None; Abstention: None.) (See attached memo regarding administrators passing the certification test.)

County	Administrator
Decatur	Teresa Bedingfield
Lewis	Rusty Isbell
Stewart	Daniel Perigo

- **Determination of ballot names which are misleading and/or confusing as required under TCA § 2-5-204 (c).**

- **Mark Kevin Brown – Requested name to appear as: Mark CoonRippy Brown.**

Commissioner McDonald made a motion to allow Mr. Rippy to appear on the ballot as Mark CoonRippy Brown. Motion was seconded by Commissioner Younce. The motion carried with a 4-2 vote. (Aye votes: McDonald, Wallace, Wheeler and Younce; No votes: Barrett and Blackburn; Abstention: None.)

- **James Everett Elkins – Requested name to appear as: “Mr. Jim” Elkins.**

Commissioner Younce made a motion to strike out “Mr.” and have Mr. Elkins name appear on the ballot as Jim Elkins. Motion was seconded by Commissioner Barrett. The motion was unanimously approved. (Aye votes: Barrett, Blackburn McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **LaVern Vivio – Requested name to appear as: LaVern “Uturn LaVern” Vivio.**

Commissioner Younce made a motion to allow Mrs. Vivio to appear on the ballot as LaVern “Uturn LaVern” Vivio. Motion was seconded by Commissioner McDonald. The motion carried with a 4-2 vote. (Aye votes: McDonald, Wallace, Wheeler and Younce; No votes: Barret and Blackburn; Abstention: None.)

- **Election of Chairman for the term of June 1, 2018 - May 31, 2019**

A motion was made by Commissioner Younce and seconded by Commissioner Barrett to appoint Judy Blackburn as Chairman of the State Election Commission. The motion was unanimously approved to elect Judy Blackburn as Chairman of the State Election Commission. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Election of Secretary for the term of June 1, 2018 - May 31, 2019**

A motion was made by Commissioner McDonald and seconded by Commissioner Younce to appoint Tom Wheeler as Secretary of the State Election Commission. The motion was unanimously approved to elect Tom Wheeler as Secretary of the State Election Commission. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

- **Show Cause Hearing - Pursuant to Tenn. Code Ann. § 2-12-101(b), to discuss allegations of Commissioner Terry Herrin creating a hostile work environment for the election commission staff, to hear testimony regarding such allegations and to deliberate on removal of Putnam County Election Commissioner Terry Herrin for cause.**

The following were present from Putnam County for the hearing:

- Putnam County Election Commission - Commissioner Terry Herrin, Member
- Debbie Steidl – Administrator of Elections
- Michele Honeycutt – Assistant Administrator of Elections
- Sara Shaw – Chief Deputy
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- Putnam County Election Commission - Chairman Phil Adams
- Putnam County Election Commission - Commissioner William F. “Bill” Prall, Member
- Putnam County Election Commission - Commissioner Linda Daniel, Secretary

Coordinator Goins went over the process for conducting a show cause hearing. TCA § 2-12-101 (b), allows the State Election Commission to remove a commissioner who becomes unqualified, and may remove or discipline a commissioner for cause. The reason for this specific show cause hearing is to discuss allegations regarding Commissioner Herrin presenting a hostile work environment for the Putnam County Election Commission staff. **(See attached procedures.)**

- **Background Summary of Complaint Given by Coordinator Goins –** Coordinator Goins gave a summary of the complaint. The complaint is as follows:

- Approximately four (4) years ago, Commissioner Terry Herrin and various staff members, along with the staff member making the complaint, went to the jail to vote inmates. On the way to the jail, Commissioner Herrin stated they would be stripped searched. The employee driving had never been to the jail to vote inmates. While the employee parked the car, Commissioner Herrin and others went

into the jail. Commissioner Herrin allegedly, asked a Sheriff's Deputy to tell the staff member when she arrived she would be strip searched. When the employee arrived in the facility, a Sheriff's Deputy in fact told the employee she would be strip searched. The employee was uncomfortable and embarrassed about the story. This story has been shared a number of times by Commissioner Herrin. The Administrator of Elections, Debbie Steidl, has asked Commissioner Herrin to stop telling the story, as the story makes her employee uncomfortable. The story continued to be told even after being asked to stop. Another issue is Commissioner Herrin owns a motorcycle and same employee talked about getting a motorcycle. Commissioner Herrin allegedly made some comments about her riding his motorcycle in a short skirt.

- **Presentation of the Complaint and Witness Testimony**

- Debbie Steidl, Administrator of Elections for Putnam County, was sworn in by Coordinator Goins. Mrs. Steidl stated she is aware of the jail story, and the continuation of the story being told by Commissioner Herrin even after he was asked to stop. Administrator Steidl stated she took Commissioner Herrin out of the election commission office when she heard the story about the motorcycle and the short skirt. At that time Mrs. Steidl said she told Commissioner Herrin a lawsuit could be filed against him, and she requested he stop bringing up the issue with her staff and others. Mrs. Steidl stated Commissioner Herrin comes to the office and has recently started harassing the employees while working.

Commissioner Judy Blackburn asked Mrs. Steidl if Commissioner Herrin made the staff uncomfortable. Mrs. Steidl stated at times Mr. Herrin did make the staff uncomfortable.

Commissioner Mike McDonald asked Mrs. Steidl if she stood by her February 16, 2018, letter stating she would like for Commissioner Herrin to not enter the office at times. Mrs. Steidl stated she stood by this statement and things have become uncomfortable. Commissioner McDonald asked if it was a hostile environment. Mrs. Steidl stated everyone has to stop and watch what they are saying and doing when Commissioner Herrin is in the office.

Chairman Jimmy Wallace asked Mrs. Steidl if she wanted to add anything. Mrs. Steidl stated when this first started, men could say things and make remarks to women and the women would have to accept those remarks, because they felt like they would not get anywhere if one went against the remarks. Mrs. Steidl stated how Mr. Herrin teased is not acceptable anymore.

Commissioner Kent Younce stated anything inappropriate is never acceptable.

- o Commissioner Linda Daniel, Secretary for the Putnam County Election Commission, was sworn in by Coordinator Goins. Mrs. Daniel stated she has listened to the complaints from Debbie Steidl for the past several years. The complaints have been regarding the hostile environment created by Commissioner Herrin. Commissioner Daniel reaffirmed the remarks made by Commissioner Herrin to employee . Mrs. Daniel stated when a person is your employer, or indirect employer, the remarks makes it a tough situation for the employee to handle. Commissioner Daniel stated in the letter she sent to the State Election Commission, she named many things she found unacceptable. Mrs. Daniel stated while Mr. Herrin was Chairman of the commission, he would go to the office and demand things of the staff, and stated he could do this because he was the chairman.

Commissioner Tom Wheeler asked Mrs. Daniel if she was speaking on behalf of the other members on her commission. Mrs. Daniel stated she could not speak on their behalf, but the other members agreed with her it was time to send a letter to the State Election Commission.

Coordinator Goins asked Mrs. Daniel if she heard Commissioner Herrin tell the story about the strip search and/or the motorcycle incident. Commissioner Daniel stated she did hear the stories previously and at seminars told by Commissioner Herrin.

Commissioner Judy Blackburn asked Mrs. Daniel when this first started. Commissioner Daniel stated the first year was employed. has been employed with the commission for over three (3) years.

Chairman Jimmy Wallace asked Mrs. Daniel if Commissioner Herrin has ever made an effort to apologize, or in any way acknowledged or regrets making others uncomfortable. Commissioner Daniel stated she did not have any knowledge of Commissioner Herrin apologizing to her, or any other commission member or staff.

Commissioner Mike McDonald referenced paragraph five (5) in Mrs. Daniel's letter, and asked about a possible sexually harassment charge pending against Mr. Herrin. Commissioner Daniel specified the statement was about and there had been discussion about a sexual harassment charge being filed.

Commissioner Donna Barrett asked Commissioner Daniel how often Commissioner Herrin was told his actions and words were in appropriate. Commissioner Daniel said she had addressed Commissioner Herrin about three (3) times. Commissioner Daniel said when she addressed Commissioner Herrin, she told him he was “talking too much.”

- Commissioner William F. “Bill” Prall, Putnam County Election Commission member was sworn in by Coordinator Goins. Mr. Prall spoke before the State Election Commission and stated he witnessed comments made by Commissioner Herrin at the June 2017, election seminar.

Commissioner Younce asked Commissioner Prall when he witnessed the comments, was he the only person present or were the statements made in front of others. Commissioner Prall stated \_\_\_\_\_ and others were present at the seminar when Commissioner Herrin retold the jail story.

- \_\_\_\_\_ for Putnam County, was sworn in by Coordinator Goins. \_\_\_\_\_ went over the first incident which happened with Commissioner Herrin. The first incident happened in 2014, when \_\_\_\_\_ and others had to go to the jail to vote inmates. \_\_\_\_\_ said Commissioner Herrin came to her before they left and said in a joking way, “You know you have to be stripped search before we can do the voting?” Mr. Herrin laughed. \_\_\_\_\_ drove the group to the jail; it was raining when they arrived and she dropped the voting deputies and Mr. Herrin off at the door and parked the car. When she arrived in the building the voting deputies, Mr. Herrin and a Sheriff Deputy were waiting for her at the door. The Sheriff Deputy told \_\_\_\_\_ where they would be voting the inmates and, prior to voting they needed to do the strip search. At first \_\_\_\_\_ thought this was true, but then everyone started laughing and she realized it was not true. After this incident, Mr. Herrin continued to tell this story which \_\_\_\_\_ finds very embarrassing and uncomfortable. In June 2017, Commissioner Herrin told another commissioner, in another county, about this incident and at that time she told Commissioner Herrin to not tell the story anymore and she walked off. \_\_\_\_\_ said the story is embarrassing and she is tired of hearing the story retold. Another incident, in the spring of 2017, Commissioner Herrin came to the commission office and was talking about a recent motorcycle trip he had taken. During the conversation, \_\_\_\_\_ said her boyfriend was thinking about getting a motorcycle. Commissioner Herrin was trying to encourage her to have her boyfriend get one and she

indicated motorcycles scare her. Commissioner Herrin told her if he took her on a motorcycle she would love it and she would be really safe. Commissioner Herrin then stated if you get a motorcycle you have to get a short skirt and if you ride one you can get a vest.

felt shocked and embarrassed. Every time she saw Commissioner Herrin afterwards he would ask if she got a motorcycle. Every time he asked, her mind would go back to the short skirt comment, and she felt embarrassed and uncomfortable.

Chairman Jimmy Wallace asked if Commissioner Herrin ever apologized to her. stated Mr. Herrin had not apologized. After the June seminar, Commissioner Herrin stopped telling the strip search story.

Commissioner Kent Younce asked about the jail incident and if she had shared the information with Administrator Steidl. said she believed Mrs. Steidl heard about the incident on the day it happened and was aware of the story after the incident.

Coordinator Goins asked about the date of the motorcycle incident. believes it was May of 2017.

Coordinator Goins asked if Commissioner Herrin said in general she would have to wear a short skirt, or if he specifically said she would have to wear a short skirt to ride his motorcycle. said Commissioner Herrin offered to take her on a ride with him and she refused the offer. The short skirt comment was made in general, that she needed a short skirt to ride a motorcycle. felt uncomfortable with this suggestion from Commissioner Herrin.

Commissioner Donna Barrett thanked for coming before the State Election Commission and sharing this situation with the commission. Commissioner Barrett said she means no disrespect to anyone, this is a show cause hearing and the commission is taking this very seriously. Commissioner Barrett wants to know how many times boldly told Commissioner Herrin he was out of line, and not to say that again or that he was being inappropriate. did not indicate she personally asked Mr. Herrin to stop making comments.

Coordinator Goins asked how many times were the stories told by Commissioner Herrin. said the strip search story was told numerous times from 2014-2017. The short skirt story was only once, but that Commissioner Herrin kept asking if she had gotten a motorcycle, which makes her uncomfortable thinking about the short skirt story.

Coordinator Goins asked what her reaction was when the jail deputy told her about the strip search. said she did not say anything for a

while, and then when everyone started laughing she giggled. [redacted] stated when she gets nervous or embarrassed she tends to giggle. The more she thought about the event, the more she felt like she could not say anything because Commissioner Herrin was her boss's boss.

Commissioner Tom Wheeler asked [redacted] if she was under the impression she is the only one targeted with this type of behavior. [redacted] is not aware of any others that were targeted by Commissioner Herrin.

Commissioner Mike McDonald referenced the letter from Debbie Steidl, AOE, referencing a hostile work environment. Commissioner McDonald asked [redacted] if she considered the work environment hostile when Commissioner Herrin is in the office. [redacted] stated the environment is nerve racking and uncomfortable.

Chairman Jimmy Wallace asked [redacted] if she ever asked Commissioner Herrin to stop, or if anyone else ever told Commissioner Herrin he was out of line and to stop. [redacted] specifically told Commissioner Herrin to stop the strip search story in June 2017. When the strip search was first brought up [redacted] was scared and believed Commissioner Herrin. After the event Commissioner Herrin would tell the story jokingly and no one would laugh. [redacted] felt the story made others uncomfortable, as well.

Commissioner Judy Blackburn asked [redacted] if she felt like she was being picked on. [redacted] stated she felt she was the brunt of the joke and it was super embarrassing. [redacted] could not believe anyone would have to be strip searched to do their job.

- Sara Shaw, Chief Deputy for Putnam County, was sworn in by Coordinator Goins. Ms. Shaw stated she came back to work for the county election commission in February 2016, and she is aware of the stories. Ms. Shaw found the jokes inappropriate.

Commissioner Younce asked Ms. Shaw if Commissioner Herrin made her look up voters on her computer. Ms. Shaw stated Commissioner Herrin would come to her cubicle and ask for voter information. Ms. Shaw felt she could not tell Commissioner Herrin no because of his position on the commission. Commissioner Herrin made her feel uncomfortable about obtaining this information.

- Michele Honeycutt, Assistant Administrator of Elections for Putnam County, was sworn in by Coordinator Mark Goins. Ms. Honeycutt stated she has heard the stories about [redacted], as told by Commissioner Herrin countless times. Ms. Honeycutt stated

Commissioner Herrin is very disruptive when he comes into the office.

Coordinator Goins asked Ms. Honeycutt if Commissioner Herrin ever asked her to look up voters on the state system. Ms. Honeycutt stated Commissioner Herrin did ask for voter information on the state system.

Coordinator Goins asked Ms. Honeycutt if she was aware of the purpose for looking up voters when asked by Commissioner Herrin. Ms. Honeycutt did not know the purpose of the Commissioner Herrin's request.

Coordinator Goins asked Ms. Honeycutt if Commissioner Herrin repeated the motorcycle story after he had been told not to tell the story. Ms. Honeycutt stated Administrator Steidl told her she warned Commissioner Herrin that his actions were inappropriate.

Chairman Jimmy Wallace asked Ms. Honeycutt if Commissioner Herrin ever attempted to apologize to \_\_\_\_\_ Ms. Honeycutt is not aware of an apology.

- o Phil Adams, Chairman for the Putnam County Election Commission, was sworn in by Coordinator Mark Goins. Chairman Adams stated he has been on the election commission for about three years, and has served as Chairman since being appointed. Mr. Adams had not heard Commissioner Herrin make remarks to \_\_\_\_\_. When he became aware of this issue, he contacted the County Executive and the County Attorney. Mr. Adams stated the County Executive and County Attorney contacted Sheriff Eddie Farris to make him aware of the issue.

Chairman Jimmy Wallace asked Chairman Adams if he had ever spoken to Commissioner Herrin about the comments. Chairman Adams said he had not spoken to Commissioner Herrin about his actions. Chairman Adams said he received a call from Ms. Steidl making him aware of the situation. Mr. Adams was aware there had been a prior joke, but was unaware what the joke was at that time.

Coordinator Goins asked Chairman Adams when he had the conversation with Debbie Steidl. Chairman Adams stated the conversation with Debbie Steidl took place the first part of 2018.

Commissioner Judy Blackburn asked Chairman Adams if he requested Commissioner Herrin not attend the meetings. Chairman Adams stated, at the suggestion of the Elections Division, he specifically requested Commissioner Herrin not attend the meetings, but if Commissioner Herrin attended a meeting the partition would be closed.

Coordinator Goins stated it was recommended by his office for Commissioner Herrin not come to the office until the issue was resolved. Commissioner Herrin could have attended the meetings if the commission separated the staff from the meeting.

Chairman Adams stated the election commission is one big room, and the office can be partitioned off if the commission needs to do so.

- Response by Commissioner and Witness Testimony

- Commissioner Terry Herrin was sworn in by Coordinator Goins. Commissioner Herrin stated he has been on the county election commission for nine (9) years. The reason Mr. Herrin appeared before the commission is because a lot of what is being said is not true. Mr. Herrin also stated the letter he received indicated he had violated his oath, and he is not aware of any laws he had violated. Mr. Herrin stated he is outspoken, and he has his beliefs and he follows those beliefs to the letter of the law. Commissioner Herrin stated he did apologize to [redacted]. Commissioner Herrin said former commissioner Joan Ross came to him and said [redacted] was uneasy with him. At that time, Mr. Herrin stated he apologized to [redacted], and she indicated she was okay with the apology. Commissioner Herrin stated he never intended to offend anyone and wanted to apologize. Commissioner Herrin stated sometimes people can be offended by things said or done, and if one is not made aware of the offending act, they do not know of the offense. Commissioner Herrin was asked to go to dinner at one of the seminars with the staff. After dinner, the group wanted to walk around the Opry Mills Mall. [redacted] asked the group to go into Victoria Secrets, and Commissioner Herrin felt uncomfortable at this request. Commissioner Herrin said he did not go into the shop, but did sit out in the mall waiting for his group to return. Commissioner Herrin stated Commissioner Daniel questions him about his beard every time he goes to a meeting. Mr. Herrin stated he does not call Commissioner Daniel out for her statements regarding his grooming habits. Commissioner Herrin told about Commissioner Daniel and Jonathon Moss leaving after an election and Commissioner Daniel hugged Mr. Moss. Commissioner Herrin stated if he knew he could have had Mr. Moss appear on his behalf, Mr. Moss would have told how the hug made him uncomfortable. Commissioner Herrin stated [redacted] recently asked him about the "June Bug Boogie." Commissioner Herrin stated the "June Bug Boogie" is a biker

function and he told her she should not go to this event. Commissioner Herrin stated if he offended so many people, why on one of his recent visits to the office, did \_\_\_\_\_ come out of her office to specifically show him she was engaged. Commissioner Perry Bartlett was recently recognized by the local county commission. All staff and election commission members were present when Mr. Bartlett received his award. The only person to hug Mr. Bartlett was \_\_\_\_\_ and Commissioner Herrin felt this was inappropriate. Commissioner Herrin said he was with Johnathon Moss when Mr. Moss received a Valentine's text from Debbie Steidl. Mr. Herrin believes this text was inappropriate. Commissioner Herrin stated a lot of things being said are hearsay. Nothing has been dated or documented. Commissioner Herron said he recently found out that the county election commissioners could not vote voters at the jail. Mr. Herrin indicated he stated to everyone he was going to wear old clothes if they were going to strip search us. Commissioner Herrin stated he has not been to the last three (3) meetings because they were going to put up a curtain and have him enter the meeting through a side door. Commissioner Herron was troubled by this and he stated he had done nothing criminal. Commissioner Herrin stated he talks to all staff in the office and not just \_\_\_\_\_. Commissioner stated he is a hard worked and he did an ADA assessment for the county, he found over twenty (20) precincts inaccessible. Commissioner Herrin stated the Putnam County Commission recently addressed overtime. Mr. Herrin specifically stated Administrator Steidl receives comp, and he questioned why she would receive comp time. Commissioner Herrin believes all of this started because of his questioning her comp time. Commissioner Herrin wanted the issue on their Putnam County Election Commission agenda to discuss. Commissioner Herrin stated he has worked hard for the commission, he is fair and candid, but some people take him wrong. Commissioner Herrin stated he came to this hearing to refute the allegations. Commissioner Herrin asked if there was a problem why did they wait four (4) years. Commissioner Herrin stated if he is not replaced he will resign.

Coordinator Goins asked Commissioner Herrin if he was willing to resign and step down. Commissioner Herrin stated he would like the State Election Commission to take a vote, as he would like to know where they stand.

Chairman Kent Younce asked Commissioner Herrin if he asked the Deputy to go along with a prank. Commissioner Herrin stated he told the Deputy he hoped they would not get strip searched. Commissioner Herrin also told the Deputy that they

told. they hoped not to get strip searched. When got inside Commissioner Herrin said the Deputy told the woman to go to this room, and for the men to go to another room for strip search and everyone laughed.

Commissioner Judy Blackburn asked who initiated the conversation. Commissioner Herrin started he said he hoped they do not strip search us. Commissioner Herron stated he and Commissioner Perry were talking with the deputy while parked the car.

Coordinator Goins asked Commissioner Herrin when the previous chair approached him about the situation. Commissioner Herrin said over four (4) years ago. Commissioner Herrin said he apologized at that time.

Coordinator Goins asked Commissioner Herrin why he continued to tell the story, in June of 2017, after the apology. Commissioner Herrin stated he did not tell the story in June 2017. Commissioner Herrin stated Commissioner Adams testified he did not hear him make the statement at the table in June 2017.

Coordinator Goins asked Commissioner Herrin why Debbie Steidl would have a conversation with him regarding a potential lawsuit if he had not said anything. Commissioner Herrin stated Debbie Steidl never said anything to him about a potential lawsuit.

Coordinator Goins asked Commissioner Herrin, about the claim that he repeated the story, but Commissioner Herrin stated he would not have repeated the story after former Chairman Joan Ross brought it to his attention. Commissioner Herrin stated he went and talked to Debbie Steidl and apologized to

Coordinator Goins asked Commissioner Herrin if he thinks it is inappropriate to say to a staff member they may be strip searched. Commissioner Herrin stated he did not say she would be stripped searched, but that we would be stripped searched and it was a joke.

Coordinator Goins asked Commissioner Herrin if he made any statements regarding the motorcycle and short skirt. Commissioner Herrin stated asked him about the "June Bug Boogie" and he has never offered to ride anyone on his motorcycle.

Coordinator Goins asked Commissioner Herrin about having staff lookup voters, and if these requests were personal in nature. Commissioner Herrin stated the requests were not personal. Mr. Herrin stated he would receive calls from voters, about other voters not living where they said they lived on their voter applications. Commissioner Herrin stated he receives disks from the election commission with

every voter's information on the disk. Commissioner Herrin stated he does not believe he is limited to access to the information, because he is a commissioner and believes it is his job to make sure no one is voting illegally.

Commissioner Jimmy Wallace asked Commissioner Herrin why he believes this information is being made up. Commissioner Herrin believes this issue was brought about when he questioned the overtime of Debbie Steidl. Commissioner Herrin stated he has also been questioning the time Ms. Steidl is out of the office.

Commissioner McDonald asked Commissioner Herrin if he believes Mrs. Steidl has violated state law. Commissioner Herrin stated he does not know. Mr. Herrin stated he asks questions of Mrs. Steidl because other agencies, in Putnam County, had comp time issues. Commissioner Herrin stated salaried employees are exempt and he is concerned Mrs. Steidl is receiving comp time.

Commissioner Mike McDonald requested to hear from Debbie Steidl, Administrator of Elections for Putnam County. Mrs. Steidl was reminded she was still under oath. Commissioner McDonald stated Commissioner Herrin wondered why this action took four (4) years to come before the commission. Mrs. Steidl stated most of the time Commissioner Herrin acted as if he was joking, and she was not sure anyone would believe it if she took the issue before the commission. Mrs. Steidl stated once Commissioner Herrin made the comment about the short skirt; she said she took immediate action.

Commissioner Kent Younce stated to Mrs. Steidl that anytime she is notified of sexual harassment, or of any harassment, she as Administrator should take immediate action. Commissioner Younce also stated the county election commission is responsible to take action, as well. Commissioner Younce also told Mrs. Steidl hostile work environments have to be dealt with immediately.

Commissioner Kent Younce made a motion to remove Terry Herrin from the Putnam County Election Commission, seconded by Commissioner Donna Barrett.

Commissioner Barrett requested to make a statement prior to taking the vote. Commissioner Barrett stated it is an honor to sit on the State Election Commission, and she expects those whom she appoints to hold their office with the same honor. Commissioner Barrett stated an incident like this should never go on as long as this incident did, no matter how good a worker a person is. Commissioner Barrett stated to the Putnam County Election Commission employees they should always take their problems to their employer immediately; the longer the issue is dragged out the worse it makes the situation. Commissioner Barrett stated to the Putnam County Commissioners to know what is going on in their offices. Commissioner Barrett stated accountability is required of everyone.

Commissioner Barrett stated the testimony given presents behavior unbecoming of a gentleman.

Commissioner Wheeler requested, at the upcoming seminar, this type issue be addressed and issues like this should be dealt with swiftly.

Chairman Wallace called for the vote. The motion to remove Mr. Herrin from the Putnam County Election Commission was approved unanimously. (Aye votes: Barrett, Blackburn McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

### **Coordinator Update**

- **Annual Training Seminar** - Coordinator Goins discussed the annual training seminar which will be held June 3-6 at the Music City Sheraton.

Coordinator Goins said the state has received \$7 million in new HAVA funds for the purpose of protecting voter registration databases, updating voting equipment and cyber security. Coordinator Goins and Secretary Hargett confirmed, with the Department of Homeland Security, that there is no evidence Tennessee's voter file, or election website, were compromised or even scanned by the Russians.

Coordinator Goins reported each county may receive ten-thousand (\$10,000.00) per precinct, plus early voting sites, to buy new machines using old HAVA funds.

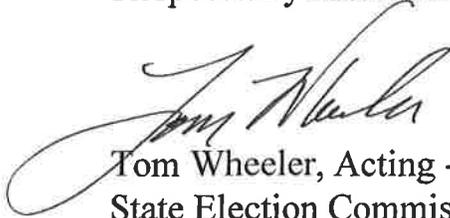
Commissioner Mike McDonald stated the US Senate Intel Committee made a recommendation for any machines purchased, going forward, to have a voter verified paper audit trail with no Wi-Fi capability. Coordinator Goins states that he has told the counties they cannot have wireless connections to the machines; and each county election commission determines which machine they are going to purchase. Coordinator Goins has encouraged counties to wait in purchasing new machines, but a few counties have purchased new machines anyway. Coordinator Goins stated if paper ballots are mandated, then some of those counties who purchased, might have to request new funds from their county commission.

- **Draft of Possible Legislative Changes Regarding Qualifications of County Election Commissioners** – Beth Henry – Robertson discussed the drafted policy changes. (See attached draft of legislation.)

The next regularly scheduled meeting is set for July 9, 2018, and will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3<sup>rd</sup> floor at 12:00 Noon, Central Standard Time.

The meeting was adjourned at 2:36 p.m. Central Standard Time.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tom Wheeler".

Tom Wheeler, Acting - Secretary  
State Election Commission