

**HAMILTON COUNTY ELECTION COMMISSION**  
**OATH OF OFFICE**  
**Commissioner OF ELECTIONS**

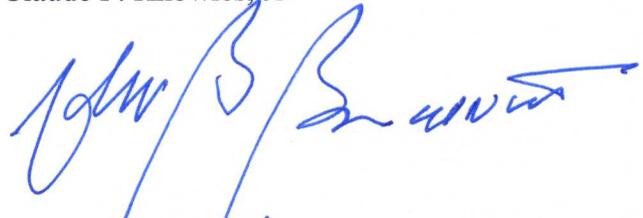
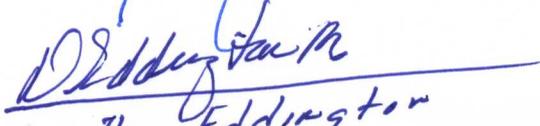
I do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Tennessee, and that I will faithfully and impartially discharge the duties of my office.

Dated this 23<sup>rd</sup> day of June, 2008.

\_\_\_\_\_  
Claude P. Knowles, Jr

ACKNOWLEDGEMENT:

Charlotte Mullis

  
  
Dorothy Eddington

**ROBERTSON L HEALY**

525 East 4<sup>th</sup> Street  
Apartment B  
Chattanooga, Tennessee 37403

May 6, 2008

**DRAFT**

Jerry H. Summers, Esq.  
Summers & Wyatt  
735 Broad Street, Suite 800  
Chattanooga, TN 37402

Dear Jerry:

Since my wife, Betsy and I moved into the vibrant, downtown Chattanooga area, I now am more enthusiastic than ever over the possibility of running for the office of Mayor. As part of my ongoing consideration, I want to be assured that no issue regarding my eligibility will arise either during the campaign or thereafter. Although I have been a resident in Hamilton County most of my adult life, I have been a resident of the City of Chattanooga since February 23, 2008. As a result, I will have been a resident of the City for more than one (1) year prior to the March 3, 2009, date of the mayoral election.

After reading the City Charter, it is my interpretation that I would be required to certify in my qualifying papers that on the date of the election, I will have been a resident of Chattanooga for at least one (1) year. However, I understand that there may be an ambiguity in the City Charter regarding the residency requirement. Therefore, I respectfully request that the Hamilton County Election Commission determine whether, in order to be an eligible candidate, I must have been a resident of the City for one (1) year prior to the election or one (1) year prior to the date on which I must file my qualifying papers with the Commission, should I decide to pursue the office of Mayor.

I certainly thank you for your efforts regarding this important matter, and I look forward to your response.

Sincerely,

Rob Healy

COPY



State of Tennessee  
Department of State

Division of Elections  
312 Rosa L. Parks Avenue  
9<sup>th</sup> Floor, William R. Snodgrass Tower  
Nashville, Tennessee 37243  
Phone: (615) 741-7956 Fax: (615) 741-1278

**VIA FACSIMILE**  
**423-756-0737**

June 20, 2008

Randall L. Nelson, City Attorney  
Nelson, McMahan & Noblit  
800 Broad Street, Suite 400  
Chattanooga, TN 37402

RE: City of Chattanooga Charter

Dear Mr. Nelson:

Mr. Jerry Summers, who is legal counsel for the Hamilton County Election Commission (the election commission), has been asked a question regarding the qualifications for a candidate for the office of Mayor of the City of Chattanooga (the City). The issue at hand turns on the durational requirement of the City's charter.

According to Section 8.27 of the City Charter, to be a candidate for the office of Mayor, a person must have lived in the City for "at least one year prior to his or her election." This charter language requiring the one-year residency before the election date was found on the City's website at:

[http://www.chattanooga.gov/City\\_Council/Charter/09%20%20Title%2008%20Mayor%20and%20City%20Council.pdf](http://www.chattanooga.gov/City_Council/Charter/09%20%20Title%2008%20Mayor%20and%20City%20Council.pdf)

Although this language establishes election day as the marker for determining the one-year durational requirement, Mr. Summers has brought to my attention a charter provision, which appears to indicate that the one-year durational requirement must be satisfied by the qualifying deadline. This language appears to be related to a court case and was a part of an Appendix in 1990.

The time frames involved in the two different provisions indicate that the website contains the most current and correct language. However, to assure accuracy and a fair application of the durational requirement, I ask that you, as soon as you can, advise me of which language controls. My hope is to avoid any conflict with a controlling judicial order.

Thank you for your assistance in clarifying this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Brook K. Thompson".

Brook K. Thompson  
Coordinator of Elections

# Voter ID challenges to continue across U.S.

High court ruling has little impact.

By Amanda Bronstad

STAFF REPORTER

LAWYERS CHALLENGING the constitutionality of voter identification laws across the country said that last month's decision by the U.S. Supreme Court, which upheld a voter identification law in Indiana, would have limited impact on their own cases.

In fact, lawyers are moving forward in their cases by pointing out numerous factual differences, such as the distinctive requirements of their state's voter ID law and a host of statistics that back up their claims.

In a 6-3 vote, the Supreme Court held on April 28 that Indiana's voter ID law does not violate the constitutional rights of voters, whose burdens in obtaining the required ID card were outweighed by the state's concerns over voter fraud. *Crawford v. Marion County Election Board*, 128 S. Ct. 1610 (2008).

Similar cases are pending in four states. In a case before the 11th U.S. Circuit Court of Appeals, plaintiffs' lawyers claim they have more statistics to bolster a challenge to Georgia's voter ID law than did the plaintiffs in the *Crawford* case. In an Arizona case that goes to trial

SEE 'VOTER' PAGE 18

# Challenges to voter ID laws percolating across U.S.

**'VOTER' FROM PAGE 1**

on July 1, plaintiffs' lawyers said that state's voter ID requirement is far more restrictive, and thus unconstitutional, than the law in *Crawford*.

A plaintiffs' lawyer in New Mexico plans to argue before the 10th Circuit that a voter ID ordinance enacted by the city of Albuquerque is unconstitutional because its requirements are vague, unlike those in Indiana.

And in Mississippi, in a case before the 5th Circuit, the plaintiffs' lawyer said that a judge's order imposing a voter ID requirement has no relation to *Crawford*, which involved state legislation.

"*Crawford* is certainly going to have an impact," said Jon Greenbaum, director of the Voting Rights Project for the Lawyers' Committee for Civil Rights Under Law, a Washington organization representing plaintiffs in the Georgia and Arizona cases. But, he said, "the opinion could have been worse."

In the *Crawford* case, the plaintiffs argued that the law violated, among other things, the right to vote under the 14th Amendment.

State officials said the law would prevent potential fraud.

Using a balancing test, the Supreme Court found that the state's interests in preventing fraud trumped potential burdens on voters. The requirements do "not qualify as a substantial burden on the right to vote," wrote Justice John Paul Stevens in the majority opinion.

In separate dissenting opinions, three high court justices found that the law would burden voters who are elderly,

poor and disabled.

In Georgia, the plaintiffs, including three voters, sought to invalidate the state's voter ID law, which, they claim, imposes an undue burden on the right to vote and violates the equal protection clause of the 14th Amendment. *Common Cause/Georgia v. Billups*, No. 07-cv-14664 (11th Cir.).

Last year, a federal judge upheld the law; the plaintiffs appealed. Initial briefs before the 5th Circuit addressing the *Crawford* decision are due on May 28.

"In the Georgia case, we have stronger facts than they had in Indiana," Greenbaum said.

For instance, the former secretary of state testified about a "data match" that found hundreds of thousands of registered voters who do not have a government-issued ID, such as a driver's license, said plaintiffs' attorney David Brackett, a partner at Atlanta's Bondurant, Mixson & Elmore.



EMMET BONDURANT: Monthly updates to the voter database in Georgia makes a big difference.

Also, in *Crawford*, the Supreme Court agreed with state officials that the law was necessary to combat incomplete and inaccurate voter rolls. In Georgia, the voter database is updated monthly, said Emmet Bondurant, Brackett's co-counsel at Bondurant Mixson & Elmore.

"That takes away one of the nails on which the court hung its hat," he said.

Mark Cohen, a lawyer for the state defendants and a partner at Atlanta-based Troutman Sanders, referred calls to the Georgia Attorney General's Office, which did not return calls seeking comment.

In Arizona, three cases were consolidated before a federal judge in the Dis-

trict of Arizona. *Gonzalez v. State of Arizona*, No. 2:06-cv-01268 (D. Ariz.). Earlier this month, both sides filed briefs addressing the *Crawford* decision.

"In Arizona, we think the differences are significant enough that the outcome ought to be different," said David Rosenbaum, an attorney at Phoenix-based Osborn Maledon who represents the plaintiffs.

Unlike Indiana's law, Arizona's requires identification when registering to vote, not just at the polls, he said. Further, Indiana's voter IDs were free. In Arizona, voters must provide their own valid form of ID, such as a driver's license, which, if voters don't already possess, costs money to obtain.

Mary O'Grady, solicitor general at the Arizona Attorney General's Office, declined to comment.

## Less restrictive law

In briefs, defense attorneys said that the range of options permitted as valid ID make their state's voter requirements less restrictive than those in Indiana.

In the 10th Circuit, plaintiffs, including three voters, argued that a city ordinance in Albuquerque creates an unconstitutional burden on voters; the city clerk said the ordinance prevents voter fraud. *ACLU v. Millie U. Santillanes*, No. 07-02067 (10th Cir.).

Briefs on the effect of the *Crawford* case are due next month.

Last year, a federal judge found that the ordinance violated the 14th Amendment because of the discrepancies among state officials who sought to define its



DAVID ROSENBAUM: In Arizona there are significant differences to the Indiana case.

requirements.

Andrew Schultz, a director at Albuquerque's Rodey, Dickason, Sloan, Akin & Robb, the plaintiffs' attorney, said "there's no question that *Crawford* changes the landscape. But we simply don't think it impacts the essential issues that are inherent to the challenges to the Albuquerque ordinance."

He said the primary difference is that the Albuquerque ordinance is ambiguous because it requires a "current" and "valid" identification, which "could be anything from a driver's license to a Costco membership card," he said.

Randy Antio, acting city clerk in Albuquerque, disagreed. "That's not an ambiguous or unclear definition," he said.

Further, he added, the ordinance allows voters to present multiple forms of ID, which is more inclusive than the requirements in *Crawford*.

In Mississippi, a federal judge ordered state officials to institute a voter ID law as part of a ruling last year in which he found that a law allowing anyone to vote in the state's primaries violated the Mississippi Democratic Party's First Amendment right to associate.

Both sides appealed, protesting the judge's voter ID requirement. In March, the 5th Circuit heard oral arguments. *Mississippi State Democratic Party v. Gov. Haley Barbour*, No. 07-60667 (5th Cir.).

Ellis Turnage, solo practitioner in Cleveland, Miss., who represents the Mississippi Democratic Party, said *Crawford* had no bearing on the Mississippi case because it involved state legislation, not a judge's order. **EW**