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M E M O R A N D U M

TO: RON FRENCH, CHAIRMAN OF THE BLOUNT COUNTY BOARD OF COMMISSIONERS

CC: ED MITCHELL, BLOUNT COUNTY MAYOR

FROM: CRAIG L. GARRETT, BLOUNT COUNTY ATTORNEY

DATE: JANUARY 20, 2021

RE: RESOLUTION NO. 21-01-013
A RESOLUTION TO ADOPT CONVENIENCE VOTING CENTERS IN BLOUNT COUNTY,
TENNESSEE

At your request, I have reviewed the above-referenced Resolution which I understand is coming before the Commission this week. In doing so, I have reviewed the relevant portions of Tennessee Code Annotated.

The Blount County Legislative Body has no legal authority to address the location of polling places in the County or to adopt the above Resolution approving convenient voting centers. The authority to generally designate the location of polling places is placed with the Blount County Election Commission pursuant to T.C.A. § 2-3-101.

T.C.A. § 2-3-101, et. seq. deals with a pilot project to allow convenient voting centers and as set forth in this Section, the County can participate in a convenient voting center project by a super majority vote of the County's Election Commission. Upon the affirmative vote by the super majority of the County Election Commission, the County Election Commission then submits to the Coordinator of Elections for the State – a project plan for the convenient voting centers. The State Coordinator of Elections then has to approve the plan prior to the County Election Commission implementing the plan.

Consequently, the Blount County Legislative Body has no general authority to designate the locations of polling places and has no specific authority to adopt convenient voting centers, as both of these obligations fall to the Blount County Election Commission.

As we discussed, it is not uncommon for the County Commission to sometimes show their support and request approval of actions by other legislative bodies that effect Blount County, but I am a little troubled by the wording of this Resolution as it is entitled "A Resolution to Adopt Convenience Voting Centers in Blount

County, Tennessee” and also the statement under paragraph no.1, “Convenience Voting Centers be adopted in Blount County, Tennessee”. The language of the Resolution can be a little misleading and may suggest to members of the Commission and the public that it is the County Commission that is adopting the convenient voting centers and as indicated above, that is outside of their authority and obligations.

Let me know if you have any additional questions.