

**PUBLIC RECORDS POLICY
FOR
MORGAN COUNTY ELECTION COMMISSION**

Rev8.7.17

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for MORGAN COUNTY ELECTION COMMISSION is hereby adopted by MORGAN COUNTY ELECTION COMMISSION to provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public hospitals shall be during the business hours of their administrative offices, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of MORGAN COUNTY ELECTION COMMISSION are presumed to be open for inspection unless otherwise provided by law.

Personnel of MORGAN COUNTY ELECTION COMMISSION shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of MORGAN COUNTY ELECTION COMMISSION, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for MORGAN COUNTY ELECTION COMMISSION or to the Tennessee Office of Open Records Counsel ("OORC").

This Policy is available for inspection and duplication in the office of MORGAN COUNTY ELECTION COMMISSION. This Policy is posted online at MorganElections.com. This Policy may be reviewed every two years or as deemed necessary.

I. Definitions:

- A. *Records Custodian*: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. *Public Records*: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. See Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. *Public Records Request Coordinator*: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. *Requestor*: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee or via email submission to Morgan.Commission@TN.Gov in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing using the attached form **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION** at Morgan County Courthouse, 415 N. Kingston Street, PO Box 266, Wartburg, TN 37887
- D. Requests for copies, or requests for inspection and copies, shall be made in writing using the attached form **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION** (and also form **#SS-3065 Certification For Purchase Of Voter List On Diskette** when requesting information on voter registration/history (TCA 2-2-138)) at Morgan County Election Commission Office located at Morgan County Courthouse, 415 N. Kingston Street, PO Box 266, Wartburg, TN 37887 or email form to Morgan.Commission@TN.Gov.
- E. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or other photo ID issued by State of Tennessee or Federal Government, voter registration, utility or bank statement which contains requestor's residential address may be required as a condition to inspect or receive copies of public records. (The MCEC may utilize any means within our ability to ascertain and verify requestor's TN residency.)
- F. Regular monthly meeting notice of Morgan County Election Commission is permanently posted in the office of the Morgan County Election Commission, 415 N. Kingston St., Wartburg, TN 37887. Other records and notices may or shall be posted as required by law on billboard outside of Morgan County Election Commission office or online at MorganElections.com

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC shall review public record requests and make an initial determination of the following:

- a. If the requestor provided evidence of Tennessee citizenship (*if required*);
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the Morgan County Election Commission is the custodian of the records.
2. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
- a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship;
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. The requestor is not, or has not presented evidence of being, a Tennessee citizen.
 - ii. The request lacks specificity. (Offer to assist in clarification)
 - iii. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
 - iv. The Morgan County Election Commission is not the custodian of the requested records.
 - v. The records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate records custodian in Morgan County Election Commission.
 - e. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.
3. The designated PRRCs are:
- a. Name or title: Administrator of Elections or Deputy Administrator of Elections.
 - b. Contact information: Morgan County Election Commission, 415 N. Kingston St., PO Box 266, Wartburg, TN 37887. Phone-423-346-3190, FAX-423-346-4350, email to Morgan.Commission@TN.Gov.
4. The PRRC(s) may report to the Morgan County Election Commission on an annual basis or as needed about the Morgan County Election Commission's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.

2. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form which is attached as form **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION**, also available online at MorganElections.com.

3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION**.

4. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION** to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.

5. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

C. Redaction

1. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.

2. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

IV. Inspection of Records

A. There shall be no charge for inspection of open public records.

B. The location for inspection of records within the offices of MORGAN COUNTY ELECTION COMMISSION shall be determined by either the PRRC or the records custodian.

C. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

V. Copies of Records

A. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.

B. Copies will be available for pickup at a location specified by the records custodian

C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service, or electronically if requested delivery via email.

D. A requestor will be allowed to make copies of records with personal equipment such as cell phone cameras.

VI. Fees and Charges and Procedures for Billing and Payment

A. Fees and charges for copies of public records should not be used to hinder access to public records. No charges will be assessed for electronic copies and duplicates which are transmitted via email.

B. Records custodians shall provide requestors with an itemized estimate of the charges using form **PUBLIC RECORD REQUEST RESPONSE FORM MORGAN COUNTY ELECTION COMMISSION** prior to producing copies of records and shall require pre-payment of such charges before producing requested records.

C. When fees for copies and/or labor do not exceed \$34.99, the fees may be waived. Requests for waivers of labor fees above \$34.99 must be presented to Administrator of Election, who is authorized to determine if such waiver is in the best interest of Morgan County Election Commission and for the public good.

D. Fees and charges for copies are as follows:

1. Copy/Duplicate general office records other than voter registration/history.
Costs of copies are established by Morgan County government at \$0.50 per page (ref. legislative act #12 of October 17, 2011).
2. Printing and duplicating voter registration/history:
As established by State Election Commission (TCA 2-2-138(b)(1);
Computer Printouts: Straight List=\$0.03/name, Labels=\$0.05/name + label costs
Computer Discs: Min. set up fee=\$35.00, Max set up fee=\$75.00
3. Files generated/reproduced and transferred electronically such as email:
As established by Morgan County Election Commission: No Charge
4. Labor when time exceeds 1.0 hours = current Deputy rate of pay.
5. If an outside vendor is used, the actual costs assessed by the vendor.

E. No labor costs will be charged for requests for less than 1 hour * current Deputy rate.

F. Payment is to be made in cash or personal check payable to and presented to **Morgan County Trustee**, 415 N. Kingston St., PO Box 189, Wartburg, TN 37887.

G. Payment in advance will be required.

I. Aggregation of Frequent and Multiple Requests

1. Morgan County Election Commission may aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
2. When aggregating:
 - a. The level at which records requests will be aggregated is Agency
 - b. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
 - c. Routinely released and readily accessible records excluded from aggregation include, but are not limited to: election results, meeting minutes, agenda, and notices.

PUBLIC RECORDS REQUEST FORM
MORGAN COUNTY ELECTION COMMISSION

*The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request.
The TPRA does not require records custodians to compile information or create or recreate records that do not exist.*

To: Morgan County Election Commission, 415 N. Kingston St., PO Box 266, Wartburg, TN 37887
Phone 423-346-3190, Fax 423-346-4350, email Morgan.Commission@TN.Gov

From: _____

Is the requestor a Tennessee citizen? No Yes (**attach valid proof of TN residency**)

- Request:**
- Inspection (The TPRA does not permit fees or require a written request for inspection only.)
 - Copy/Duplicate general office records other than voter registration/history.
Costs of copies are established by Morgan County government at \$0.50 per page (ref. legislative act of month/day/year).
 - Printing and duplicating voter registration/history (**also complete form #SS-3065**):
As established by State Election Commission;
Computer Printouts: Straight List=\$0.03/name, Labels=\$0.05/name + label costs
Computer Discs: Min. set up fee=\$35.00, Max set up fee=\$75.00
 - Files generated/reproduced and transferred electronically such as email:
As established by Morgan County Election Commission: No Charge

When costs for copies are assessed, the requestor has a right to receive an estimate.

All charges are only payable to Morgan County Trustee and shall be receipted. The Morgan County Election Commission does not receive or handle money or any forms of payment. The receipt obtained from the Morgan County Trustee shall be presented to Morgan County Election Commission as proof of payment for charges associated with the request for processing.

Delivery preference: On-Site Pick-Up USPS First-Class Mail
 eMail (no cost) Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor and Date Submitted

Signature of Public Records Request Coordinator and Date Received

**CERTIFICATION FOR PURCHASE
OF VOTER LIST ON DISKETTE**

As required by T.C.A. §2-2-138, I, _____, (Print Name)
certify that the voter list(s) I am purchasing today will be used for political purposes only.
False certification is a Class B misdemeanor.

Print Name of Purchaser and Name of Agency/Group

Print Address – Street, City, State, and Zip Code

Phone Number

Date

Signature of Purchaser

Date

Signature of Election Official

**PUBLIC RECORD REQUEST RESPONSE FORM
MORGAN COUNTY ELECTION COMMISSION**

Date: _____

Requestor's Name and Contact Information: _____

In response to your records request received on _____(Date), our office is taking the action(s) indicated below:

The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

Copies of public record(s) responsive to your request are:

The itemized estimated copying/production/shipping fees are \$_____.

Attached;

Available for pickup at the following location: _____; or

Being delivered via: USPS First-Class Mail Electronically Other: _____.

Your request is denied on the following grounds:

Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

No such record(s) exists or this office does not maintain record(s) responsive to your request.

No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

You are not a Tennessee citizen.

You have not completed form #SS-3065 Certification for Purchase of Voter List on Diskette.

You have not paid the estimated/required copying/production fees.

The following state, federal, or other applicable law prohibits disclosure of the requested records:

_____.

It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

It has not yet been determined that records responsive to your request exist; or

The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact:

Morgan County Election Commission

415 N. Kingston St.

PO Box 266

Wartburg, TN 37887

Ph.423-346-3190, Fax 423-346-4350, email Morgan.Commission@TN.Gov

Sincerely,

Tim Sweat

Administrator of Elections

Ann Heidel

Deputy Administrator of Elections