

PAUL L. WEBB
MAYOR

ROD FREEMAN
VICE-MAYOR

MICHAEL W. WALKER
CITY MANAGER



City of Brentwood

COMMISSIONERS
JILL BURGIN
BETSY CROSSLEY
ANNE DUNN
RHEA E. LITTLE, III
REGINA R. SMITHSON

January 9, 2012

Statement on Legal Action Filed By Williamson County Election Commission Against City of Brentwood

A lawsuit has been filed by the Williamson County Election Commission, naming the Mayor, the City Manager and the Board of Commissioners of the City of Brentwood as defendants. The lawsuit seeks a court order to compel the City of Brentwood to allow early voting for upcoming state and national elections at the Brentwood Library.

The Brentwood Library functions not only as a repository of reading and research materials, but also as a facility where a broad range of community activities takes place every day. The Library is the only such facility owned by the City of Brentwood. Numerous groups conduct a wide variety of meetings, classes and programs at the Library, in addition to events that are hosted by the City. The meeting rooms are used extensively for these purposes and are typically reserved up to one year in advance.

The Brentwood Library has been and will continue to be used as a precinct location for Election Day voting. At the City's request, the Library has been an early voting location for Brentwood City Commissioner elections. These elections involve a relatively small number of voters (an average of three to four voters per hour) and can be contained within a small amount of space. In contrast, significant problems have occurred when early voting has been held at the Library for state and national elections, as all registered voters in Williamson County are eligible to vote at each early voting site. The problems experienced in the past have included lengthy lines of voters that disrupted traffic flow both inside and outside the Library, along with obstructive noise levels and an insufficiency of parking to accommodate both library patrons and county-wide voters. There is simply no practical way for the Library to carry out its normal operations while simultaneously operating as an early voting venue for these sizably larger state and national elections.

The Chairman of the Election Commission has given notice that the Brentwood Library will be used for three early voting periods in 2012 and presumably for all early voting periods thereafter. These early voting periods would require exclusive use of Library space for up to 45 days this year. Dates for the first early voting period of 2012 were given to the Library in November, 2011, with only three months time between the Election Commission's demand and the beginning of early voting in February. During the February dates demanded by the Election Commission, Library meeting rooms had previously been reserved for 18 groups. Use of Library meeting rooms for three early voting periods in 2012 would require cancellation of long-scheduled events, resulting in unfairness and inconvenience both to library patrons and groups who have already

scheduled events. One such event is the quarterly book sale scheduled by the Friends of the Library in July and October as a major fundraiser. The book sales cannot be rescheduled, due to other reservations booked for the meeting rooms. A cancellation would result in the loss of thousands of dollars in book sales. Use of the meeting rooms for early voting in the summer would also eliminate space used for the Library's summer reading program, which serves over 600 Williamson County school children. Sufficient and appropriate space does not exist to conduct early voting at locations in the Library other than the meeting rooms.

The Election Commission maintains that it has a legal right to unilaterally assume control of space at the Library or any other public facility for its purposes. The City of Brentwood strongly disagrees with the Election Commission's interpretation of state law in this regard, and believes that the aggressive approach taken by the Election Commission's Chairman in this matter reflects badly on the Election Commission.

Because the City of Brentwood agrees with the Election Commission that early voting provides a valuable opportunity for voters and encourages citizens to exercise their rights, the City has asked the Election Commission to consider alternative locations in Brentwood. Williamson County owns and operates two nearby recreational facilities in Brentwood, one being the Williamson County Indoor Sports Complex on Heritage Way, less than a half-mile from the Library. While the Commission's Chairman has reported some complaints over use of the Indoor Sports Complex when early voting was held there in the past, it appears that use of a tennis court in the Complex, with a direct entrance from the outside, would resolve the reported problems. Similarly, the Election Commission could consider the potential use of the indoor arena at Crockett Park, which includes meeting room space in addition to the indoor multipurpose field. Since the Election Commission plans to conduct early voting at other County-owned recreation centers in 2012, including the centers at Spring Hill and Fairview, the use of a similar recreation facility in Brentwood would be consistent with those plans.

If the Election Commission does not desire to use one of its own facilities in Brentwood for early voting, the City of Brentwood has offered the use of the City's Safety Center East. This facility, on Sunset Road near Concord Road, can accommodate the Election Commission with the necessary space for the purpose of holding elections, along with adequate space for the storage of voting machines. Use of this location will not force the cancellation of important programs and meetings previously scheduled at the Library. The Safety Center East could function as an early voting venue for citizens in northeast Williamson County, including the Brentwood and Nolensville areas. In addition, use of the Safety Center East would actually save County taxpayers money in these challenging times by avoiding the need and expense for separate early voting locations in both Brentwood and Nolensville.

Brentwood City Manager Mike Walker said, "The Brentwood Library is simply not a practical location for county-wide early voting in state and national elections. We have tried to work with the Election Commission to help it find practical locations where citizens can vote early. We don't understand why the Election Commission has decided

to reject our efforts to help them. This lawsuit is totally unnecessary and a waste of thousands of taxpayer dollars."

Brentwood Library Board Chairman Bert Bosse said: "The Brentwood Library is much more than a collection of books. It serves as the only location of its kind in Brentwood for a wide variety of community events and activities which are frequently planned many months in advance. It is especially unreasonable for the Election Commission to provide only 90 days notice. Any Williamson County parent who uses a planner to organize their family activities can understand how disruptive and unfair it would be. Looking ahead, we always rely on the Friends of the Library book sales, and our programs will suffer if two of them have to be cancelled."

The lawsuit filed against the Mayor, the City Manager and Brentwood's Board of Commissioners is unprecedented and unwarranted. The City of Brentwood will continue to resist the efforts by the Chairman of the Election Commission to unilaterally take control over the use of and activities at City-owned property. The City of Brentwood believes that alternative early voting sites are available and can better accommodate both the Election Commission's desire to provide a convenient and cost-effective polling station and the City's desire to maintain meeting space for the myriad community groups who use the Brentwood Library every day. The City of Brentwood is hopeful that the reasonable alternatives offered by the City will be seen by the Election Commission as preferable to unnecessary, expensive and time-consuming litigation.