

**SENATE SELECT COMMITTEE ON
CONTESTED ELECTION
BOBBY CARTER v. JOE NIP McKNIGHT
1990-1991**

RECORD GROUP 287

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MICROFILM ONLY

INTRODUCTION

Record Group 287, Senate Select Committee on Contested Election, *Bobby Carter v. Joe Nip McKnight*, 1990-1991, contains the records of the proceedings of a special senate committee created by a Senate Resolution to consider the election contest filed in Gibson County by Bobby Carter. These records were maintained by Senator Robert Rochelle, Chairman of the Select Committee. The records were found to be in excellent condition but lacked a discernable arrangement. Therefore, this arrangement was adopted to facilitate access by users. There is no state RDA relevant to these records. An assessment was made that this collection could be microfilmed and discarded. This is a microfilm only collection. It measured one cubic foot before microfilming. There are no restriction on the use of these records.

SCOPE AND CONTENT

The Senate Select Committee on Contested Election, *Bobby Carter v. Joe Nip McKnight*, 1990-1991, documents the contested general election in Gibson County that took place November 6, 1990. Questions arose in that county due to the closeness of the hotly contested race. It came out in the senate hearing that there was some confusion on the part of poll workers while recording the total votes for the day and some voting regulations needed to maintain the security and integrity of a voting machine at one critical location were not followed. These questions led to the action of Bobby Carter contesting the election and calling for a new election. By Senate Resolution #1, a select committee was appointed to hear the complaint and report to the full senate. The Speaker of the Senate appointed Robert Rochelle, Chairman, and Senators Ben Atchley, Ward Crutchfield, Riley Darnell, and Lou Patten to the committee. Documents arranged under the heading of "Legal Precedence and Regulations" illustrates substantial effort by Chairman Rochelle to verify the legality of the creation of the select committee to hear the contest.

The election contest involved the Twenty-Seventh Senatorial District which consisted of Crockett, Gibson, and Madison counties. Election night totals gave the election to McKnight, the Democratic incumbent, with a margin of fifty-one votes. The most important facts in the contest involved the voting machine located in the city hall in the Rutherford precinct. The total on that machine was questioned by poll workers and it was recorded as 100 votes for McKnight. The next day the machine was checked and it was determined that the number should have been 190 votes, changing the outcome of the election. In the end the Carter petition was denied and McKnight was declared the official winner. Another result of the contest was that the State Election Commission investigated the errors made by the Gibson County Election Commission and replaced four of the five county election commissioners.

The strength of this collection exists in the fact that it points out weaknesses in the voting process, exemplified through the use of outdated voting machines and the reliance on poll workers that receive minimal training and supervision. Election procedures came under the scrutiny of the legislature once again following the presidential election of 2000 between George W. Bush II and Albert Gore, Jr.

**MICROFILM INDEX
CONTAINER LIST
RECORD GROUP 287**

MF. ROLL #1

BOX 1

Correspondence

FOLDER #

1. Bob Rochelle, Chairman, 1990-1991

Senate Action

2. Election Contest Resolution, Jan. 7, 1991
3. Report of the Select Committee to the Senate, March 1991.

Senate Hearing Transactions

4. Agenda for Senate Hearing, undated.
5. Witness List, undated.
6. Witness List, Senate McKnight, Respondent, February 12, 1991.
7. Pre-Hearing Brief of Bobby Carter, February 20, 1991.
8. Petition to Contest Election, November 14, 1990.
9. Answer to Petition to Contest Election, January 18, 1991.
10. Amended Petition to Contest Election, January 25, 1991.
11. Answer to Amended Petition to Contest Election, February 4, 1991.
12. Motion to Strike Paragraph 8 of Petition to Contest Election, January 1991
13. Respondents Motion for Summary Judgement, January 18, 1991.
14. Senator McKnight's Position, February 21, 1991.
15. Memorandum of Law in Support of Senator McKnight, February 21, 1991

Legal Precedence and Regulations

16. Attorney General's Opinions, May, 7, 1981-January 28, 1991.
17. Contests of Elections, Tennessee Jurisprudence, Undated.
18. Supreme Court Rulings, 1914-1979.
19. State Election Commission Regulations, Duties of Coordinator, Undated.
20. Tennessee Code Annotated, Contested Elections, Undated.
21. Tennessee Code Annotated, Procedure at the Polling Place, Undated.
22. Tennessee Code Annotated, Election of Officers & Rule Making, Undated
23. Tennessee Code Annotated, Committee Investigations, Undated.

BOX 2

FOLDER

Hearing Transactions

1. Transcript #1, February 21-22, 1991.
2. Transcript #2, February 21-22, 1991.
3. Transcript #3, February 21-22, 1991.
4. Subpoena, February 18-19, 1991.
5. Notice of Filing Affidavit, Senator McKnight, February 20-21, 1991.
6. Rebuttal Affidavits, February 20, 1991.
7. Affidavits, 1991.
8. Exhibits 1-3, 5, 7-12, 14-26.
9. Exhibits A-D.
10. 1987 County Election Commission Questionnaire, Gibson County.
11. Technician's Certification, May 1, 1990.

Certified Election Results

12. Certificate of Results, General Election, Gibson County, 1990.
13. General Election, District 27, November 6, 1990.
14. Certification of Election Returns for The General Election, Statewide Returns, November 6, 1990.
15. Record of Assistance to Blind, Illiterate or Disabled Voters, November 6, 1960.

Press Releases and Public Opinion

16. Press Releases, 1990-1991
17. Newspaper Clippings, November 8, 1990-March 19, 1991.