

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 26, 2018

APPROVED

Regular Meeting of the Shelby County Election Commission was held on November 26, 2018, at 4:00 pm at the Election Operations Center, 980 Nixon Drive.

CALLED TO ORDER: Chairman Meyers **Time:** 4:08pm

COMMISSIONERS PRESENT: Commissioner Lester, Commissioner Nollner, Commissioner Stamson, and Commissioner Tate

CERTIFY NOVEMBER 6, 2018 ELECTION RESULTS

MOTION STATED: Commissioner Lester Stated as Secretary she is motioning to certify the election but because of concerns she will not vote in support of the certification.

SECONDED BY Commissioner Nollner

ABSTAINED: Commissioner Tate

FOR: Chairman Meyers, Commissioner Nollner, and Commissioner Stamson

AGAINST: Commissioner Lester

OUTCOME OF MOTION: Passed 3-1 (Yes- Meyers, Nollner, Stamson; No- Lester; Abstained- Tate)

ATTORNEY'S REPORT

Litigation update given by Attorney Ryder

• **“Save IRV” vs SCEC.**

Received a new lawsuit from “Save IRV”. They are seeking to review the 2017 letter that was issued by Coordinator of Elections, Mark Goins directing us not to implement IRV.

• **Lowry vs SCEC**

Status conference is scheduled for the morning of November 27th.

• **NAACP vs SCEC**

Lawsuit is pending in the United State District Court.

• **Michael Floyd vs SCEC**

Contesting the Circuit Court result from the August 2nd Election have been dismissed.

• **Latroy Williams vs SCEC**

The first lawsuit was dismissed. Motion to reconsider was denied.

• **Latroy Williams vs SCEC**

The second lawsuit motion to dismiss have been filed by Chairwoman Mary Mancini, the chairwoman of the TN Democratic Party.

• **Save IRV is adjoining effort to prevent the Election Commission to placing the three (3) referendums on the ballot in the November 6 Election. The request for a temporary restraining order was denied.**

• **Shelby Advocates for Valid Elections vs SCEC**

This lawsuit is in the United States District Court. The group requested a temporary restraining order regarding the DRE machines and the process of votes. Their motion for TRO (Temporary Restraining Order) was denied. The balance of the lawsuit is still pending. They are challenging the commission the use of the current machines and are seeking to have the court to order the use of a different kind of machine.

• **The TN Black Voter Project vs SCEC**

Lawsuit was filed in Chancery Court. TN Black Voter Project requested a temporary restraining order dealing with the handling of voters who votes would ordinary be cast by provisional ballot be cast on the machines. The Chancellor granted their motion for temporary restraining order. The Court of Appeals sat that order aside. The plaintiff sought a review from the TN Supreme Court. TN Supreme Court upheld the ruling of the Court of Appeals. The Court of Appeal has

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dismissed our appeal as moot. Since the Election is over, the plaintiff has voluntarily decided to dismiss their lawsuit.

ADMINISTRATOR'S REPORT

Given by Mrs. Phillips.

The following items were discussed:

- Writ for the TN Senate District 32 Primary and General Election
- TN Senate District 32 Primary Election Deadline
- Nursing Home schedule for Primary Election
- Possible schedule for Early Voting for TN Senate District 32 Primary Election
- Filing deadline
- Why was a new form implemented?
- Geocoding issues
- 8,000 applications were corrected of the efficiency on November 6th Election Day.

PUBLIC COMMENTS:

Each visitor was given 3 minutes to speak

- Virginia Whelan
- Emily Fulmer
- Janetta Lentz
- Sarah Wilkerson Freeman
- Mary Green
- Kendra Lee
- Dell Gill
- Bryan McBride
- Desi Franklin
- Lisa Moore
- Kenny Crenshaw

EXECUTIVE SESSION

The Commission recessed the public meeting for an Executive Session to meet with legal Counsel concerning pending litigation. Chairman Meyers, Commissioner Lester, Commissioner Nollner, Commissioner Stamson, Commissioner Tate, Linda Phillips, Joe Young, Genine Taylor, Attorney Ryder, Attorney Varela, and Attorney Hagler went into a private executive session.

OLD / NEW BUSINESS:

New: Commissioner Nollner requested that the "100%" on the first Election night report results be removed.

New: Commissioner Tate inquired about a salary increase for poll workers

ANNOUNCEMENTS:

- Regular Commission Meeting scheduled for Tuesday, December 18, 2018 at 4:00 p.m.

ADJOURNMENT:

Commissioner Lester made motion to adjourn. Seconded by Commissioner Nollner. Meeting was resumed and adjourned.

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OTHERS IN ATTENDANCE:

Linda Phillips, Administrator
Joe Young, Chief Deputy AOE
Deborah Upchurch, Staff
Leonard Hopkins, ITS
Attorney Varela
Attorney Ryder
Attorney Hagler
Attorney Bibbs
Kristina Garner
Kendra Lee
Mary Green
Barbara Williams
Betty Turner
Charles Mullins

Ron Maxy
Bill Dries
Nancy Tapp
Janice Banks
Janetta Lentz
Jane Conner
Bryan McBride
Vicki Park
Desi Franklin
Dell Gill
Lisa Moore
Mariene Strube
Emily Fulmer

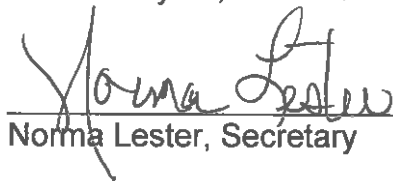
Marti Holladay
Kenny Crenshaw
Jane Pierotti
Sarah Wilkerson
Freeman
Virginia Whelan



Robert Meyers, Chairman

2/19/19

Date



Norma Lester, Secretary

2/19/19

Date