

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 19, 2019

APPROVED

Regular Meeting of the Shelby County Election Commission that was held on February 19, 2019, at 4:00 pm at the Election Operations Center, 980 Nixon Drive.

CALLED TO ORDER: Chairman Meyers **Time:** 4:01 pm

COMMISSIONERS PRESENT: Commissioner Lester, Commissioner Nollner, Commissioner Stamson and Commissioner Tate arrived late.

APPROVAL OF NOVEMBER 26, 2018 MINUTES

MOTION STATED: Commissioner Nollner made motion to approve November 26, 2018 minutes as presented

SECONDED BY Commissioner Stamson

OUTCOME OF MOTION: Passed 4-0 (Commissioner Tate was absent)

APPROVAL OF JANUARY 15, 2019 MINUTES

MOTION STATED: Commissioner Stamson made motion to approve January 15, 2019 minutes as presented

SECONDED BY Commissioner Nollner

OUTCOME OF MOTION: Passed 4-0 (Commissioner Tate was absent)

APPROVAL OF FEBRUARY 4, 2019 MINUTES

MOTION STATED: Commissioner Stamson made motion to approve February 4, 2019 minutes as presented

SECONDED BY Commissioner Nollner

OUTCOME OF MOTION: Passed 4-0 (Commissioner Tate was absent)

TN SENATE DISTRICT 32 SPECIAL GENERAL ELECTION RESOLUTIONS

Item# 2019-02 Resolution to approve polling location change.

Due to construction, COL02, YMCA at Schilling Farms is not useable for the March 12, 2019 Special District 32 General Election. Therefore, COL02 will change from YMCA At Schilling Farms, located at 1185 Schilling Blvd E, Collierville, TN 38017 to Central Church, located at 2005 E. Winchester Blvd., Collierville, TN 38017

MOTION TO APPROVE RESOLUTION ITEM # 2019-02: Commissioner Stamson made motion to approve item# 2019-02 as presented.

SECONDED BY Commissioner Lester

OUTCOME OF MOTION: Passed 4-0 (Commissioner Tate was absent)

ATTORNEY'S REPORT:

Litigation update given by Attorney Ryder

- **M. Latroy Alexandria-Williams vs SCEC**
Second lawsuit: Still waiting for Chairwoman Mary Mancini, the chairwoman of the TN Democratic Party counsel to request a hearing date for motion to dismiss.
- **Lowry vs SCEC**
Motion to dismiss hearing is scheduled for May 9th.
- **Shelby Advocates for Valid Elections(S.A.V.E.) vs Tre Hargett and SCEC**
This lawsuit is in the United States District Court. The State and the Election Commission reviewed their motion to dismiss. Customarily in District Court, there is generally not a hearing on a motion to dismiss. The Judge will consider the pleadings and rule on the basics of the motions.
- **John Barzizza vs SCEC**
Currently two separate motions to dismiss which have yet to be set. We are negotiating an agreed order with counsel on the inspection of the absentee ballots.
- **SCEC vs TN Coordinator of Elections**

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On February 15, 2019 the Coordinator of Elections, Mark Goins filed his decision that Instant Runoff Voting cannot to be legally implemented in Memphis by the Shelby County Election Commission.

Shelby County School Board District 2 vacancy: Since this is a Shelby County position, the Shelby County Commissioners will fill the position. Once filled, that person will serve until the Shelby County General Election in 2020.

Discussion followed.

ADMINISTRATOR'S REPORT (SEE ATTACHMENT):

Given by AOE; Linda Phillips

The following items were discussed:

- Voter Application in District 32
- 127 UOCAVA ballots were emailed and 28 were mailed by the deadline
- Annual school registration activities
- State Reports
- The City of Memphis Police Association petitions
- Ballot printer setup
- Voting Machines programmed
- Private and school elections
- Early voting and election day staffed
- O.C. Pleasant Dedication Ceremony
- District Maps
- SB 1356 / HB 1355
- HB 145 / SB 193
- HB 195 / SB 74
- HB 312 / SB 240
- HB 554 / SB 825
- HB 1432 / SB 1012
- HB 46 / SB 761
- HB 206
- Outreach update
- Geocoding issue update
- Shelby County School Board, District 2 vacancy
- Western TACEO meeting
- Upcoming Events

Discussion followed.

OLD / NEW BUSINESS:

Old: Commissioner Nollner inquired about an update on extending the parking lot at Nixon.

Commissioner Lester inquired about the Application Review.
Discussion followed.

New: Commissioner Lester announced that she was not reappointed. She expressed that Mr. Bennie Smith; the new Democratic appointee would be a great asset to the Election Commission.

PUBLIC COMMENTS:

Each visitor was given 3 minutes to speak

- Aaron Fowley
- Steve Mulroy



Shelby County Election Commission

Administrator of Elections Monthly Report February 2019

Voter and Candidate Services

- All of the District 32 Voter Applications are completed. In fact, we have completed all of the applications we have received that could be processed.
- UOCAVA ballots were sent by the deadline. 127 went out via email and 28 have been mailed.
- We are gearing up to start our annual school registration activities. There has been a bill filed that would require us to do this twice a year rather than once; this would be an enormous burden here in Shelby County. We rarely, if ever, manage to schedule a school visit with fewer than four phone calls and a couple of e-mails. I understand the concern but an easier approach would be to change the law to allow us to register all seniors, regardless of when the next election is and simply hold their registrations until they are close to 18. (HB 768/ SB 503)
- With the enormous surge in registrations in 2018, we had put many of our routine activities like reviewing death lists & obituaries and reviewing duplicate SSN reports on hold but we are nearly caught up on those activities.
- Lillie Jones will be out for 2 – 3 months starting March 4th for a knee replacement.
- We will begin doing our required list maintenance as soon as we have completed the Memphis Police Association petition processing.

Operations Department

- ES&S was on site to program/service the ballot printer.
- Early Voting begins tomorrow. We aren't expecting huge turnout.

- Both early voting and election day machines are programmed and have been audited and are awaiting deployment.
- The Operations department has done ten private/school elections this month.
- Early voting and election day voting is fully staffed.

Administrator

- The Memphis Police Association turned in 19,688 pages of petitions. We are processing these as rapidly as we can; we'll be able to put some more resources on it when early voting starts here on Wednesday. The EV team is generally not busy so they can fill their days with working on the petitions. So far about 40% of the signatures are valid. Slightly more than 52% of the signatures are not valid. Another 7% are in "Pending" status. These are voters who are registered but for whom we do not have an electronic image of their signature. The statute specifically requires us to verify the signature, so if those signatures are needed, we will go back and try to find a signature, either on a ballot application, a poll list, or from the original registration.
- Since you were all here, you are aware that the renaming of the building last Friday was a lovely, although very cold and rainy, event. Huge thanks should be given to the team of Joe Young, Diane George, Deborah Upchurch, and Stacy Scott for pulling off this event in a hurry. Special thanks should also go to Janice Mitchell, Linda Allen, and Diane George for the serving pieces we used for the reception. Huge thanks to the team of Lillie Jones, Cissy Davis, Linda Allen, Janice Mitchell and Stacy Scott for making the little sandwiches and plating the rest of the food. Thanks to the EO and Absentee ladies for serving it. We had some requests for my recipes for the punch, liver paté, and marinated shrimp. Deborah has the recipes if you want them. The sign is in the warehouse; they are waiting for the concrete footings to fully cure before installing the sign. If you were too cold to get a good look at it on Friday, we would be happy to take you back to see it. There will be a plaque for inside the building but it has not yet arrived.
- As of yesterday, our website has had 867,556 views; it published just a little over a year ago.

- **The district maps on our website are currently in a .pdf format. They will be changing soon to be a link to an interactive GIS format. Users will be able to select the base map they want and print in various sizes. The maps will be "real time", so as streets are added they will automatically appear. The district shape files don't change; only the layers underneath them.**
- **SB 1356/HB 1355 Compensation of AOE. This bill would raise the compensation of the AOE to be on a par with other county general offices. I've included an information packet in your folders with the salaries of other AOE's and Deputies in similar sized counties. I support this legislation.**
- **HB 145/ SB 193 Would allow a person who registered by mail to apply to vote absentee by appearing at a county election commission office. I think this is a low burden, common sense approach to the problem of students who register online.**
- **HB 195/ SB 74 Would eliminate the use of the full SSN on election records. Having worked in states that didn't have the SSN, I cannot support this.**
- **HB 312/ SB 240 This would establish election day registration. If this is done correctly, it can be a huge improvement in the process since it can eliminate provisional ballots. 17 States have some form of Election Day registration.**
- **HB 554/ SB 825 This would require us to establish an early voting location on college campuses with more than 8,000 students. I'm not necessarily opposed to this but it does require more resources. What we found when we had early voting on campus in Tippecanoe County was that few students actually early voted; most waited until Election Day. In November, 2018 the average age of the early voter at the on campus EV site was 32.**
- **HB 1432/SB 1012 This would require the use of precinct based optical scanners for elections. Really, really bad idea for Shelby County. I think this quote from O.C. Pleasant summed it up rather well: "I think that to go back to paper ballots is a step backwards and does not lend itself to having fair and honest elections," Pleasant said.**
- **HB 46/ SB 761 – Would require us to have early voting on Sunday. I'm not totally opposed to this but because 21 of our 27 EV sites are in churches, which are generally not available to us on Sunday, we would have some issues in trying**

to implement it. It would cost us about \$45,000 in additional salaries, since all of the hours would be overtime. It would be virtually impossible to implement if we do not get the two additional assistant manager positions; I really cannot require my managers to work for 45 days without a break. I would really rather see a comprehensive look at early voting; starting 20 days before an election for a 2 precinct small town election is overkill.

- **HB 206, which has been withdrawn, would have made the voter registration cut-off 30 days before the start of Early Voting. I was pretty sure that ran afoul of Section 8 of the National Voter Registration Act of 1993, so I wasn't surprised to see it withdrawn as it could only have applied to non-federal elections.**
- **In the area of outreach, I spoke at two different restoration of rights events. I spoke at the Republican Women's Club meeting. We held two deputy registrar classes. We will be holding a "How to Run for Office class" in early May. In this class we cover requirements for office, deadlines, completing petitions and campaign finance.**
- **We are nearly complete with correcting the geocodes in the VR database. The coordinator's office did provide us with guidance about how to treat dwellings that had been demolished; we are manually geocoding those to the locations where they used to be.**
- **There was a vacancy in the Shelby County School Board, District 2. The term of this position would normally run until August, 2020. The County Commission will fill that seat. The person they select will serve until the August 2020 election. There was some consideration of filling the seat with the Memphis 2019 election but not all of District 2 is within the City of Memphis and there is an AG opinion that holds that August is the appropriate time to fill those positions.**
- **I attended the Western TACEO conference on January 17, 2019. Those of you who couldn't attend really didn't miss anything; we are so much larger than the rest of the counties in the western division that we don't have much in common with them. For example, we had a session on UOCAVA ballots, where one of the recommendations was to keep the UOCAVA applications in a binder. A four drawer filing cabinet is typically required for our UOCAVA applications.**
- **Days to Upcoming Events:**
 - **TN District 32 General Election – 21 Days**
 - **Town of Arlington – 212 Days**

- **City of Memphis – 226 Days**
- **Presidential Preference Primary – 338 Days**