

SHELBY COUNTY ELECTION COMMISSION  
REGULAR MEETING MINUTES  
DECEMBER 12, 2017

**APPROVED**

Regular Meeting of the Shelby County Election Commission was held on December 12, 2017, at 12Noon at the Election Operations Center, 980 Nixon Drive.

**CALLED TO ORDER:** Chairman Meyers      **Time:** 12Noon

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

**APPROVAL OF OCTOBER 17, 2017 MINUTES**

**MOTION TO APPROVE:** Commissioner Nollner      **SECONDED BY:** Commissioner Tate

**APPROVED:** Unanimously

**ATTORNEY'S REPORT:**

None

**ADMINISTRATOR'S REPORT (SEE ATTACHMENT):**

Given by: Linda Phillips

**RANK CHOICE VOTING:**

Mrs. Phillips received a letter from the Coordinator of Elections stating that he does not believe Rank Choice Voting (RCV) is permitted under Tennessee law. Mrs. Phillips also received a conflicting letter from the City of Memphis stating that RCV is permitted.

Chairman Meyers asked Attorney Ryder for his opinion and advice.

Mr. Ryder: "In 2008 the City of Memphis amended its charter to require RCV for elections. The next city election is scheduled for October of 2019. This year in September, we received a letter from Mark Goins, the Coordinator of Election, questioning if the implementation of IVR would be in compliance with state law. So on the one hand, the Election Commission is required to administer elections for the City of Memphis in accordance with their charter and on the other hand, the Election Commission is required to follow the guidance of the State Coordinator of Elections who also has the authority to approve or disapprove ballots. As the administrator has appointed out, it places the commission in an awkward position with getting conflicting instructions, one from the City of Memphis and one from the coordinator of elections. The legal remedy for the commission is to file a declaratory judgment action, which would be filed in the Chancery Court of Davidson County. Since we are naming a party defendant a state official, you would have to sue them where their office is located. We recommended that the commission authorize us to initiate a declaratory judgment action. Present this matter to the Chancellor."

Chairman Meyers agreed with Attorney Ryder recommendation.

Commissioner Stamson motion to authorize Attorney Ryder and his firm to file a declaratory judgment Seconded by Commissioner Lester, which pass unanimously

Commissioner Tate inquired about the ruling timeline.

Attorney Ryder: "The ruling timeline will be up to the Chancellor. In this case, a Chancellor may give us a ruling early. We will be urging the Chancellor to rule on it promptly once everything is filed. Because it is a declaratory judgment action and the issues are purely legal in nature, there is no need for prolonging discovery for depositions or interrogatories, which often delays the hearing of a case. In this case, we will work with both opposing counsels because we will be suing both the State of Tennessee and the City of Memphis. We will be working with both opposing counsels to set some type of briefing schedule. Everyone will file a brief. The Chancellor may schedule an argument, and then we will get a ruling hopefully, promptly afterward. There is a possibility the Chancellor could say, "Well, there is a referendum on the November 4<sup>th</sup> [November 6<sup>th</sup>] ballot, and I will just wait to see what happens then."

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The Chairman recognized Attorney Bibbs, a representative of the City of Memphis. The Chairman asked Attorney Bibbs if either he or the City of Memphis had a position with regards to our proposed reaction.

Attorney Bibbs: "There is a motion to vote on the declaratory judgment. He rather not comments about the motion at this time."

Commissioner Nollner: "Is there going to be an ordinance on the upcoming election to rescind this?"

Attorney Ryder: "My understanding is that the ordinance has passed. They have requested for a repeal of RCV to be placed on the November 4<sup>th</sup> [November 6<sup>th</sup>] ballot."

After discussion, the motion was unanimously approved.

**OLD / NEW BUSINESS:**

**Old:** Commissioner Lester inquired about the status of the Application Review.

Commissioner Lester, Commissioner Stamson, and Mrs. Taylor decided to meet on January 16, 2018 at 3:30 pm to complete the Application Review.

*Discussion followed*

**PUBLIC COMMENTS:**

The board recognized Mr. Steve Mulroy. Mr. Mulroy was given three minutes to address the board.

**ANNOUNCEMENTS:**

- Regular Commission Meeting scheduled for January 16, 2018 at 4:00 p.m. [January 23, 2018 at 4:00pm] with a 3:30 pm [3:00pm] start for the application review

**ADJOURNMENT:**

**MOTION TO APPROVE:** Commissioner Stamson

**SECONDED:** Commissioner Lester

**APPROVED:** Unanimously

**OTHERS IN ATTENDANCE:**

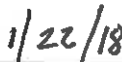
Linda Phillips, Administrator	Attorney Bibbs
Joe Young, Chief Deputy Administrator	Rose Ann Bradley
Carla Lytle, Operations Manager	Bill Dreiss
Genine Taylor, VCS Manager	Trenton Woodley
Deborah Upchurch, Staff	Ryan Poe
Leonard Hopkins, ITS	Steve Mulroy
Attorney Hagler	
Attorney Ryder	
Attorney Varela	



ROBERT MEYERS, CHAIRMAN



NORMA LESTER, SECRETARY



DATE

DATE



# Shelby County Election Commission

## Administrator of Elections Monthly Report December, 2017

### Voter and Candidate Services

- OVR remains fairly steady; a total of 478 applications were received in November. A chart showing daily receipt is in your packet.
- The first round of NCOA letters have been sent out. There were approximately 12,000 names of the list of voters who appeared to have moved out of the state. We are waiting on the list of 25,000 voters who appear to have moved within Tennessee, including those who changed addresses within Shelby County.
- The campaign finance project continues. All of the files have been scanned and are available on the public website. We are anticipating an update to the public site that will make it easier to use. Staff is verifying that all files are correctly scanned and available. Once that is completed, the paper files will be shredded. We will be inviting candidates to do their filing on-line. The CPA who handles many local candidates CDF filings has been trained on how to use the site.
- We are, as required by TCA §2-2-109, voiding the deficient applications that were outstanding as of the November, 2016 election. There were approximately 7,000 that needed to be reviewed.
- As of yesterday, 52 petitions have been issued and 8 have been filed. All those that have been filed have had sufficient signatures.
- We are continuing to research and correct the name/gender discrepancies.

### Operations Department

- Representatives from ES&S visited us to formulate a plan of action for the repair of the optical scan units. Their best OS technician will be visiting us in February, 2018 to service the units and check the connections. We are going to be re-arranging the setup of the room to allow for more space between the units and a shelf will be built so that the exiting ballots do not fall down upon the cables that attach them to the digibox. Worst case scenario, ES&S will replace all six units.
- TOSHA visited our facility; they found several violations. These are being corrected and should be completed by the deadline.

- The search for alternate polling places to replace the locations that can no longer be used continues. We hope to have recommendations for you by January. We will then send the required notices to voters.
- Ms. Lytle learned how to create an election calendar using the format I created with code cites and she completed the detailed election calendar for all three elections in 2018. She has begun working on the allocations for equipment.
- Staff built and tested a ranked choice voting election involving 2000 ballots, 15 precincts and six candidates. Staff tested the amount of time it took to print ballots, sort them by precinct, and tabulate them by hand. It was surprisingly quick to count the ballots; it took one team 2 hours and 45 minutes to hand tabulate the 2000 ballots. We will continue gathering data on this. The next step is to bring in a team of four who has no experience with RCV, train them, and then see how long it takes them to count.
- VM Staff recorded the serial numbers and system totals on the voting machines; those with the lowest system totals will be used more often so the usage balances out.
- VM Staff prepared private elections for Alpha Kappa Alpha and the Open World Delegation.
- Staff attended inmate supervision training.

## **Administrator**

- The big event was the move of the downtown offices to our newly renovated facility at 157 Poplar Avenue, Suite 137. As with all moves, all did not go perfectly smoothly as some of the furniture has not yet been delivered and life would have been a lot easier if all of the shelving had been delivered before we moved. A lot of us are working off of folding tables; but in general we are functioning and churning out work. We love the new icemaker and a fully functioning microwave is quite delightful. One of the lessons learned was that we had a lot of space, so obviously the previous philosophy was to fill it up. (We have about a 15 year supply of legal size hanging file folders and the number of outdated printer cartridges was awful.)
- With the move, some people have changed work locations. In your packet is a copy of the current organization chart. This shows where people work and lines of reporting.

- Replacement of the voter registration system continues on schedule. All of the required changes to meet TN law and our practices have been identified and their programmers are working on those customizations. We expect to have access to sandbox site later this week. The new system primarily batch prints to network printers, so most of the individual full sheet printers will be removed from work stations. All work stations will have small footprint printers that will print a barcode that identifies a document; scanning will be done in bulk on high volume scanners. The barcode will automatically attach the document to the correct voter record, so we will not have scanners at most work stations.
- Work on our re-branding continues. Pat Herndon of Printing Services designed a logo and has created the stationery, business cards, nametags, and the necessary .png files for the new website. (She has also created envelopes but since we have about 250,000 envelopes in stock, it will be a while until we need them.) The same look will be carried over into our new signage for downtown. We will likely not change the signage at the Operations Center until the next fiscal year since that involves re-painting the doors and several walls as well as the cost of the signs. All of the nametags will be of a consistent design and will attach with magnets. I will expect everyone (even Commissioners) who are in the warehouse at any time for any reason to wear the nametag in a consistent way; this will help us monitor the security footage more easily.
- Work on our new website continues. All of the copies have been written, proofed for accuracy with TN law and proofed for grammar. All of the documents have been assembled in a logical fashion. All of the minutes from 2014 through 2017 have been located and named consistently for posting. We were missing a surprising number of documents from the website; and our previous website had some considerable problems getting the right minutes with the correct date. We assembled everything we could find for all elections back to 2012; named it consistently and sorted by election. All of the forms have been updated with the new look and turned into fillable .pdf forms. The page is vastly better organized and has much more visual appeal. I have printed a screen grab of the home page; it still needs some work but it will give you an idea of what we are going for.
- We have obtained a post office box for the receipt of absentee ballots. This will give us a unique zip code which is an important component of adding intelligent mail barcodes to the absentee return envelopes. Instead of using the state provided generic envelopes, our absentee return envelopes will have a unique USPS machine readable barcode that will get absentee ballots here more quickly and accurately. There will be some additional expense to print the envelopes but it is a pretty minor expense in the overall scheme of things. I will distribute the address to you when the unique zip code is confirmed.

- The PC replacement program is in full swing; most of the PC's downtown have been replaced with units that have a Windows 10 operating system and current security. These units will not run ESM; rather users of ESM will remote into XP units that are running only ESM and nothing else; this helps reduce the risk of using XP units until our new VR system is ready. Once they are finished downtown, the IT team will start replacing the units at Nixon. They will likely be finished next week.
- Most of the staff has completed the required ethics training. It must be completed by December 31<sup>st</sup>.
- For reasons that can't be fully explained, many of the desktop scanners that are used with ESM have stopped functioning. IT has attempted to troubleshoot but it looks like the root cause of the problem is age and that they are attached to a system that is sadly out of date. We've been unsuccessful in identifying a solution. Worst case scenario is that we will segregate the documents that cannot be scanned and scan them to the new system.
- Joe Young coordinated the visit from the Rumsfeld foundation Central Asian delegation. Thank you to Joe for organizing this and to Commissioner Lester and Nollner for attending and joining in the discussion.
- Oscar Smith, the inmate who has been working with us for the last year will be released next week. We will miss him as he is responsible for the greatly improved cleanliness and improved repair of this facility.
- Joe Young and I attended the Western TACEO meeting December 4 & 5<sup>th</sup>. Commissioners Lester, Nollner and Stamson also attended. I think it would be more productive to stratify these meetings by size of county rather than geographic location. It was a bit amusing (although somewhat of a waste of time) to listen to a lecture about security when we had already done all of the recommended things and exceeded them in many cases.
- I will be attending the Election Center Special Workshop in San Antonio at the end of February; I find the sessions put on by the Election Center to be more relevant since most of their members are larger jurisdictions in the US are members.
- Days to Upcoming Events:
  - 2018 County Primary Election – 140 Days
  - 2018 Primary and County General Election – 233 Days
  - 2018 General Election – 329 Days