

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
AUGUST 13, 2015

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on August 13, 2015 at 4:00 PM at the Election Operations Center, 980 Nixon Drive. All Commissioners were present.

Meeting was called to order by Chairman Meyers at 4:00 p.m.

APPROVAL OF JULY 23, 2015 COMMISSION MEETING MINUTES

Commissioner Lester moved to approve the original draft of the July 23, 2015 minutes. Discussion ensued regarding the recommended changes to condense the minutes. Commissioner Lester amended her original motion to approve the 3rd draft the July 23, 2015 minutes as corrected. Commissioner Stamson seconded. Motion to approve the amendment was unanimously approved. Vote was then called to approve the 3rd draft of the July 23, 2015 minutes with any additions/corrections shown in brackets. Minutes were unanimously approved. Commissioner Lester questioned whether the minutes needed to be signed by the Secretary and Chairman. In the past the minutes had been signed. It was agreed to have the minutes signed by the Secretary and the Chairman in the future.

ATTORNEY'S REPORT

Attorney Bibbs had no report for the City of Memphis.

Attorney Varela reported the SECE had filed an answer in the Lammel case, where we were brought in as a 3rd party.

Joe Brown litigation was dismissed due to lack of proper process on August 6, 2015. There is a 60-day window for an appeal to be filed.

Joe Cooper's petition to have his name included on the October 8, 2015 ballot was denied on August 6, 2014. Chancellor Kyle also dissolved the restraining order, however he did not dismiss the case as we had requested and denied attorney's fees. Separately, Mr. Cooper agreed to dismiss the case. Petitioner would be responsible for court costs.

Commissioner Lester requested legal clarification regarding the SCEC giving information to candidates when candidate petitions are issued, as we had received conflicting comments from two different judges in two different cases. The consensus was that it is the job of the Election Commission staff to issue petitions as requested and to accept filed petitions. It is the job of the Election Commission to determine whether the candidates meet requirements. Chairman Meyers feels that giving helpful information to candidates, without any refusal to issue or accept petitions, is within the scope of the staff as part of giving good client service.

Chairman Meyers asked for the details in the Lammel case. Mr. Varela answered that the Southwind/Wyndike annexation argument was that residents should not be taxed by the city and one of the reasons cited was they had not been allowed to vote in the referendum election regarding wine in grocery stores and the home rule charter amendments. The city brought the Election Commission into the lawsuit, attempting to show fault of the Election Commission.

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OPERATIONS AND TECHNOLOGY COMMITTEE REPORT

RESOLUTIONS:

The state will purchase approximately 600 memory cards to replace those being held securely pending the Amendment One lawsuit. Commissioners Nollner and Tate will meet Monday, August 24, 2015 to secure the required memory in ballot boxes as directed by the State Coordinator's office.

VCS/HR COMMITTEE REPORT – VCS MANAGER REPORT ATTACHED

Commissioner Stamson submitted the written VCS Manager's report.

ADMINISTRATOR OF ELECTIONS REPORT - ATTACHED

Given by Mr. Holden.

Completed all redistricting changes made by the City Council. This did not create any new splits.

An RFP for drayage for Elections has been issued by purchasing.

Working with the County support services department, they have decided there will be no political signage allowed at 157 Poplar prior to 30 days from Election Day.

In an effort to help keep the Commissioners fully informed, a current copy of all budgets will be included in their monthly meeting files. Discussion followed.

Regarding the date of the Memphis runoff election single member districts, the Memphis city charter dictates the runoff be 4 weeks from Election Day. However, this conflicts with state election law that any runoff election must be held between 45 and 60 days after the election. The runoff date cannot be on November 5, 2015 as this does not allow time for military ballots to be sent. The only feasible dates at the point are November 17 or 19, 2015. The Commissioners asked Attorney Bibbs to communicate to the City that we recommend November 19, 2015 as the runoff date.

RESOLUTION TO CHANGE POLLING LOCATION – GER-06

Resolution 08-13-2105-2-3-101 to approved polling location change for ward GER precinct 06. The normal polling location for GER-06 is Germantown Middle School but due to construction during the November 2014 election, GER-06 was moved to Germantown Elementary School. Commissioner Stamson moved to approve Resolution 08-13-2105-2-3-101. Commissioner Lester seconded. Resolution 08-13-2105-2-3-101 to approved polling location change for ward GER precinct 06 was approved unanimously.

NEW ELECTION MANAGEMENT SYSTEM CONSULTANT UPDATE

Mr. Young reported that the first week of meetings with the consultant was successful. Meetings were with the Commissioners, Administrator, Deputy Administrator, Managers, and Deputy Administrator of IT. Video conferencing with the consultants has been established.

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AMENDMENT OF CERTIFICATION FOR OCTOBER 8, 2015 ELECTION

During certification of candidates, Stephanie Gatewood was not on the certified candidate list based on several concerns. Since then, additional information has been presented that shows that Ms. Gatewood should be included on the ballot. It is requested that the Commissioners amend the Certification of Candidates to include Stephanie Gatewood for City Council Super District 9, Position 2. Commissioner Lester moved to amend the certification of the October 8, 2015 City of Memphis candidates to include Stephanie Gatewood. Commissioner Nollner seconded. The amendment to the certification of October 8, 2015 City of Memphis candidates to include Stephanie Gatewood passed unanimously.

SCHEDULING OF MONTHLY COMMISSION MEETINGS

It was decided to hold the regular monthly commission committee meetings and the regular monthly commission meeting on the 3rd Tuesday of each month. The Operations/Technology Committee Meeting would begin at 3:00 p.m.; Voter Candidate Services/Human Resources Committee Meeting would begin at 3:30 p.m. and; the Election Commission Meeting would begin at 4:00 p.m. Any special meetings will be scheduled as necessary for certification of elections, etc.

NEW/OLD BUSINESS

Commissioner Lester asked if the correction had been made to the voter information flyer. As we have approximately 25,000 on hand, they have not been re-printed. Mr. Holden reported that we are also awaiting receipt of brochures provided by the State.

Chairman Meyers summarized that we will redact the statement regarding the counting of provisional ballots on any existing copies of the flyer.

We will determine if we can use the brochure from the State once they are received.

A new, corrected digital version of the flyer will be created for future use.

Commissioner Lester commented that she had participated in productive meetings with members of the SCEC staff and felt steps were being taken to correct many of the negative impressions the public has had of the Election Commission in the past. One recommendation was to become more involved with community engagement with both Commissioners and staff of the Election Commission.

Along those lines, Commissioner Lester was contacted by a group wanting to do a bi-partisan voter registration drive and asking for the Election Commission to participate or guide them in this endeavor. They were in attendance.

They requested 5 minutes for a presentation.

Brandon Harris and Richard Exton addressed the Commission, explaining they started a projected call Votus to provide voters a website to find information regarding election dates and information on specific candidates, which would come from the candidates. They were requesting backing from the Election Commission.

The Commissioner's declined to "endorse" this type of product as the website was providing specific candidate ideology and information. The Commissioners did agree to help by providing some of the top mistakes made when people register to vote.

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Commissioner Lester asked Mr. Holden if there had been any communication from Mr. Needham. Mr. Holden said there had not.

Commissioner Lester is concerned regarding the redistricting of the City Council. There is concern that there is still an issue in District 5. Commissioner Lester invited Mr. Bennie Smith to speak.

Mr. Smith expressed concern over the accuracy of the reporting of the voter information relating specifically to the City Council re-districting. Discussion followed and it was decided that Mr. Holden would meet separately with Mr. Smith to resolve these questions/concerns.

Chairman Meyers thanked everyone for coming.

ADJOURNMENT

Meeting was adjourned.

Others in attendance:

Rich Holden, Administrator
Joe Young, Deputy Administrator
Darral Brown, Ops Manager
Dan Dow, VCS Manager
Pam Crosno, Staff
Deborah Upchurch, Staff
Carlos Bibbs, Attorney
Pablo Varela, Attorney
Mickie Klenz
Rose Ann Bradley
Richard Exton, Jr.
Brandon Harris
Bryan Carson
Bennie Smith

Robert Meyers, Chairman

Date

Norma Lester, Secretary

Date