

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
October 15, 2014

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on October 15, 2014 at 4:00 PM at the Election Operations Center, 980 Nixon Drive. All Commissioners present.

Meeting was called to order by Chairman Meyers at 4:02 P.M.

Former State Senator Beverly Marrero requested to address the board and was recognized by Chairman Meyers. She expressed great concern regarding the new "I Voted" stickers that included the name of the Secretary of State. She was opposed to politicizing the "I Voted" stickers. While the SCEC has received the stickers from the state, the "I Voted" stickers being used in Shelby County are the same as used in previous elections.

Meeting was temporarily adjourned for a brief meeting covered by attorney/client privilege.

Meeting reconvened.

DISCUSSION/APPROVAL OF MINUTES FROM SEPTEMBER 17, 2014 REGULAR COMMISSION MEETING

Commissioner Lester moved to approve September 17, 2014 Minutes of Regular Commission Meeting as submitted. Commissioner Nollner seconded. No discussion. Minutes of the September 17, 2014 Regular meeting were Approved.

ATTORNEYS' REPORTS

Attorney Ryder – nothing further to report outside issues discussed in the executive/privilege meeting.

Attorney Bibbs had nothing to report.

ADMINISTRATOR'S REPORT – ATTACHED

Presented by AOE Richard Holden

Commissioner Stamson asked for clarification on Candidate Financial Disclosures (CFDs), specifically that the ones due 10 days prior to Election Day were for the candidates on the November 4 ballot. Mr. Holden confirmed that was correct. Commission Lester asked for confirmation that the PAC's/candidates we send notifications to are all local and asked if we send delinquency notices. Mr. Holden confirmed that all CFD's sent out by the SCEC are local. Also, Mr. Holden explained that delinquency notices are sent by certified mail and that the candidates have 5 days to respond. The SCEC also notifies

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
October 15, 2014

APPROVED

the state at the same time the certified letter is sent and again at the end of the 5 day period.

Commissioner Nollner asked how we followed-up regarding voters that have registered prior to their 18th birthday. Mr. Holden explained that our voter registration system is designed to assist with the process and that a report is run at least monthly to activate any voters turning 18 during that month.

Chairman Meyers asked about Early Voting and the Administrator reported that everything was up and running smoothly. Riverside still has an ISDN line but no issues reported.

Commissioner Tate requested clarification on the approval process for the 2015-2016 budget. The Administrator explained that, after working with the county budget office, a proposed budget would be submitted to the Board for approval and then sent to the County Commission for approval.

ELECTIONS OPERATIONS & TECHNOLOGY COMMITTEE REPORT - ATTACHED

Presented by Commissioner Nollner

ELECTIONS VOTER AND CANDIDATE SERVICES & HR COMMITTEE REPORT – ATTACHED

Presented by Commissioner Stamson

Discussion was held regarding the discipline of an employee for the unauthorized change that was made to a voter record. Commissioner Lester stated she felt it was unfair to discuss personnel issues in a public meeting. Mr. Ryder responded that it was required due to the Sunshine Law. After further discussion regarding the severity of the disciplinary action, Chairman Meyers pointed out that while the Board could make recommendations, it was ultimately Mr. Holden's responsibility as the appointed employees report directly to Mr. Holden.

OLD BUSINESS

Commissioner Lester asked Mr. Holmes about the number of new employees working early voting and election day. Mr. Holmes responded that several employees that had worked previously were unavailable for this election. Commissioner Lester also asked for clarification regarding the actual running of the site and how much decision making is left to the officer. Mr. Holmes stated that each officer does have decision making authority as regards to some

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
October 15, 2014

APPROVED

personnel, specifically judges, in that they can be work with either EPB's or Voting Machine should the officer note that different people had different skills. However, an appointed registrar is only supposed to work on the EPBs. Early voting workers are given a 30 minute lunch break if possible. Election Day workers are given a break but are not supposed to leave the polling location.

Commissioner Lester noted that employee raises were approved in June but she heard from someone in Personnel they have not been requested or executed. She also voiced concern that she heard a letter was sent authorizing salary increase for AOE but not staff. She wanted to know status of employee's raises. Mr. Holden questioned Commissioner Lester about her source of information and then explained that all paperwork had been submitted through the appropriate County departments. Commissioner Stamson requested an update on employee retro pay raises be reported to the VCS/HR Committee within the week.

NEW BUSINESS

Discussion was held regarding the new GoVoteTN app released by the state for electronic devices. The question was raised inquiring whether the new state-issued app would over-ride the SCEC "no cell phone" policy. Mr. Ryder said he did not feel the state had issued a directive that would over-ride the current SCEC policy regarding cell phones. He reiterated that the reason for adopting the policy was to eliminate the possibility of voters taking pictures in the area of the voting booths, thereby potentially denying voters the right to the secrecy of their ballot. Mr. Ryder stated that the Board might consider modifying the policy to specify no pictures. Several Commissioners felt that the public was going to be confused and irritated at being given a tool by the state and then not allowed to use the tool at the site. However, the consensus was the "no cell phone" policy was still the adopted policy for the Shelby County Election Commission and cell phones were not to be used at the polls.

Chairman Meyers informed the Board that he had been interviewed by a member of the media and asked specifically about transgender voters. It was determined by the Board that transgender voters would be treated the same as any voter. Should a poll worker not be able to identify a voter for any reason by their picture ID, that voter would be allowed to vote a provisional ballot and proper investigation be done after the election.

Commissioner Nollner, in reading through old notes, noted that the current VR System was bought from Accenture and that Accenture had gone out of the Election Management System business in 2009. She had additional notes from ITS that the issue would be resolved by the end of 2009. ITS was to issue a White Paper to the SCEC. The Paper was not issued. She simply wanted this to be noted for the record.

ANNOUNCEMENTS

Next Operations & Technology Committee Meeting will be November 5, 2014 at 4:00 p.m.

Next VCS & HR Committee Meeting will be November 5, 2014 at 5:00 p.m.

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
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APPROVED

The next Regular Commission Meeting is scheduled for November 19, 2104 at 4:00 pm. However, as the November 4, 2014 Election must be Certified on November 24, 2014, it was decided to delay the Commission Meeting until November 24, 2014 at 4:00 p.m.

Commissioner Lester moved to adjourn.

Commissioner Stamson seconded.

No discussion.

Meeting was adjourned at 5:15 p.m. without objection.

Others in attendance:

Rich Holden, Administrator

Joe Young, Deputy Administrator

Albert Holmes, Operations Manager

Dan Dow, VCS Manager

Pam Crosno, Staff

John Ryder, Attorney

Carlos Bibbs, Attorney

Beverly Marrero

Mickey Klentz