



**SHELBY COUNTY ELECTION COMMISSION  
REGULAR COMMISSION MEETING MINUTES**

**February 27, 2023**

The regular meeting of the Shelby County Election Commission (SCEC) was held on February 27, 2023, at the O.C. Pleasant, Jr. Election Operations Center, 980 Nixon Drive, at 4:00pm. This meeting was recorded on Facebook live.

**MEETING CALLED TO ORDER:** By Chairman Luttrell at 4:03pm.

**PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT CONSTITUTING A QUORUM:** Commissioners Luttrell, Smith, Kimbrow (4:16pm), Stamson, and Uhlhorn

**OTHERS IN ATTENDANCE:**

Linda Phillips, AOE	Wayne Holcomb
Joe Young, DAOE	Carole Van Vassen
Jacob Swatley, Attorney	Barbara Williams
Monice Hagler, Attorney	James Pruett
Sharon Logan, Staff	Sandra Oates
Ron Boozer, Staff	Michael Wright
Sherry Hewlett, Staff	Cherie Pyron
Charlotte Wheeler	Linda Street

**APPROVAL OF JANUARY 23, 2023 REGULAR MEETING MINUTES:**

MOTION STATED: Commissioner Uhlhorn motion to approve the minutes.

SECONDED BY: Commissioner Stamson

ROLL CALL VOTE: Motion Carried. Luttrell, yea; Smith, yea; Stamson, yea; Uhlhorn, yea

**APPROVAL OF JANUARY 26, 2023 SPECIAL MEETING MINUTES:**

MOTION STATED: Commissioner Uhlhorn motion to approve the minutes.

SECONDED BY: Commissioner Stamson

ROLL CALL VOTE: Motion Carried. Luttrell, yea; Smith, yea; Stamson, yea; Uhlhorn, yea

**MOTION TO APPROVE VOTER REGISTRATION APPEAL REQUEST:**

MOTION STATED: Commissioner Uhlhorn motion to approve.

SECONDED BY: Commissioner Stamson

ROLL CALL VOTE: Motion Carried. Luttrell, yea; Smith, yea; Stamson, yea; Uhlhorn, yea

AOE Phillips presented information on the motion.

**LEGISLATIVE UPDATE:**

AOE Phillips reviewed 2023 TN General Assembly legislative bills that may affect SCEC and/or TN elections.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS:**

Cherie Pyron  
James Pruett  
Carole Van Vassen  
Michael Wright

**CHAIRMAN'S REMARKS:**

Thank you to staff and Commissioners for their work on the Voter Registration Review to clear backlog. We are up to date on state reports.

Three of our Commissioners serve on the Shelby County Commission Ad Hoc Elections Committee, and we hope to move forward on committee agenda objectives. Commissioner Smith and J. Weinberg also commented on participation and the work moving forward.

The Chairman announced that Commissioner Smith has been appointed to the TN Election Commission. Commissioner Smith commented that he will transition at the end of term and plans to continue supporting local election commissions in his new role.

**ATTORNEY'S REPORT:**

Attorney Swatley reported that the Election Commission has two active litigation matters; a lawsuit filed by Marion Latroy Alexander-Williams, Jr. and an election challenge filed by Charlotte Bergmann.

**ADMINISTRATOR'S REPORT:**

AOE Phillips presented her report. Report is attached.

Discussion on posting the delinquent campaign finance filer list to the SCEC website.

MOTION STATED: Commissioner Smith moved to post delinquent campaign filer list to the SCEC website.

SECONDED BY: Commissioner Stamson

FRIENDLY AMENDMENT: Commissioner Kimbrow moved to amend that delinquent filer be given notification of posting by certified mail 10 days prior to publishing the list to the website.

Friendly Amendment was accepted by Chairman Luttrell, seconded by Commissioner Uhlhorn

ROLL CALL VOTE: Motion Carried Unanimously

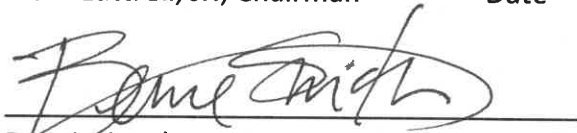
**OLD BUSINESS:**

No old business brought to the floor.

**ADJOURNMENT:**

Adjournment Motion by Commissioner Uhlhorn, Seconded by Commissioner Stamson at 5:01pm.

  
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Mark Luttrell, Jr., Chairman                      Date

  
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Bennie Smith, Jr., Secretary                      Date

### 113th General Assembly Election Legislation as of 2/27/2023

<b>House #</b>	<b>118</b>	<b>Senate #</b>	<b>580</b>
House Sponsor	Richey	Senate Sponsor	Pody
House Status	Failed in S/C Elections	Senate Status	P2C; refer to State & Local

Establishes a referendum process whereby voters may vote to establish 16 year term limits for local government.

<b>House #</b>	<b>121</b>	<b>Senate #</b>	
House Sponsor	Richey	Senate Sponsor	
House Status	Withdrawn	Senate Status	

Would require registration by political party.

<b>House #</b>	<b>133</b>	<b>Senate #</b>	<b>145</b>
House Sponsor	Leatherwood	Senate Sponsor	Walley
House Status	Caption Bill	Senate Status	P1C

CAPTION BILL - filed to increase employee time off to vote from 3 to 4 hours.

<b>House #</b>	<b>173</b>	<b>Senate #</b>	<b>176</b>
House Sponsor	Chism	Senate Sponsor	Akbari
House Status	Failed in S/C 2/22/23023	Senate Status	P2C Refer to State & Local

Require the inclusion of three non-binding questions related to legalization of marijuana on November, 2024 ballot.

<b>House #</b>	<b>193</b>	<b>Senate #</b>	<b>1108</b>
House Sponsor	Barrett	Senate Sponsor	Bowling
House Status	Assigned to s/c Elections	Senate Status	P2C

Eliminates convenience voting.

<b>House #</b>	<b>246</b>	<b>Senate #</b>	<b>136</b>
House Sponsor	Barrett	Senate Sponsor	Hensley
House Status	Assigned to s/c Elections	Senate Status	P2C; refer to State & Local

Requires counties to make three additional entries into the voter registration system when a voter dies. These would be date of death (which we already collect), date of notification, date voter was cancelled, and source of the information.

<b>House #</b>	<b>262</b>	<b>Senate #</b>	<b>405</b>
House Sponsor	Richey	Senate Sponsor	Hensley
House Status	Assigned to s/c Elections	Senate Status	P2C; refer to State & Local

Requires state and local elections to be partisan. Judges would have to declare membership with a political party or independent status.

<b>House #</b>	<b>274</b>	<b>Senate #</b>	<b>1483</b>
House Sponsor	Hardaway	Senate Sponsor	Campbell
House Status	Assigned to s/c Elections	Senate Status	P2C Refer to State & Local

Requires candidates for election office who are unaffiliated with a political party to disclose this on sample or information ballots.

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<b>House #</b>	<b>279</b>	<b>Senate #</b>	<b>904</b>
House Sponsor	McKenzie	Senate Sponsor	Akbari
House Status	Assigned to s/c Crim Just	Senate Status	P2C - Refer tp Judiciary

Would allow those who cannot register to vote because they are behind on child support to have their rights restored provisionally if they enter into a payment plan to become current on child support.

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<b>House #</b>	<b>303</b>	<b>Senate #</b>	<b>285</b>
House Sponsor	Jones	Senate Sponsor	Oliver
House Status	Assigned to s/c Elections	Senate Status	P2C; refeter to State & Local

Would allow ID issued by any accredited institution of higher education to be used for voting.

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<b>House #</b>	<b>405</b>	<b>Senate #</b>	<b>452</b>
House Sponsor	Richey	Senate Sponsor	Oliver
House Status	Failed in Loc Govt 2/21/202	Senate Status	PSC; refeter to State & Local

Would require registration by politcal party. If a voter doesn't declare a party they are ineligible to vote in primary elections. Opposed by League of Women Voters.

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<b>House #</b>	<b>420</b>	<b>Senate #</b>	<b>386</b>
House Sponsor	Wright	Senate Sponsor	Briggs
House Status	CAPTION BILL	Senate Status	PSC; refeter to State & Local

Caption Bill.

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<b>House #</b>	<b>421</b>	<b>Senate #</b>	<b>387</b>
House Sponsor	Wright	Senate Sponsor	Briggs
House Status	CAPTION BILL	Senate Status	PSC; refeter to State & Local

Caption Bill.

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<b>House #</b>	<b>428</b>	<b>Senate #</b>	<b>516</b>
House Sponsor	Moon	Senate Sponsor	Swann
House Status	Assigned to s/c Elections	Senate Status	PSC; refeter to State & Local

Would require summaries of questions to be written in simple, everyday language.

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<b>House #</b>	<b>434</b>	<b>Senate #</b>	<b>527</b>
House Sponsor	White	Senate Sponsor	Rose
House Status	Local Govt 2/28/2023	Senate Status	PSC; refer to State & Local

Reduces from 15% to 1% of registered voters signatures that must be obtained for a recall election.

<b>House #</b>	<b>475</b>	<b>Senate #</b>	<b>428</b>
House Sponsor	Crawford	Senate Sponsor	Lundberg
House Status	CAPTION BILL	Senate Status	PSC; refeter to State & Local

Caption bill.

<b>House #</b>	<b>486</b>	<b>Senate #</b>	<b>865</b>
House Sponsor	Boyd	Senate Sponsor	Reeves
House Status	Engrossed; Sent to SN	Senate Status	Sch St & Local 7/28/2023

Would transfer local PAC campaign finance to the state registry of election finance.

<b>House #</b>	<b>499</b>	<b>Senate #</b>	<b>564</b>
House Sponsor	Rudd	Senate Sponsor	Lundberg
House Status	CAPTION BILL	Senate Status	PSC; refeter to State & Local

Caption bill.

<b>House #</b>	<b>505</b>	<b>Senate #</b>	<b>564</b>
House Sponsor	Rudd	Senate Sponsor	Lundberg
House Status	CAPTION BILL	Senate Status	PSC; refeter to State & Local

Caption bill.

<b>House #</b>	<b>538</b>	<b>Senate #</b>	<b>950</b>
House Sponsor	Parkinson	Senate Sponsor	Oliver
House Status	Assigned to s/c Elections	Senate Status	PSC; refeter to State & Local

Automatic voter registration at Department of Safety unless a person opts out.

<b>House #</b>	<b>543</b>	<b>Senate #</b>	
House Sponsor	Harris	Senate Sponsor	
House Status	Withdrawn	Senate Status	

Would require posting monthly of purged voters on an election commission website.

<b>House #</b>	<b>561</b>	<b>Senate #</b>	<b>1512</b>
House Sponsor	Todd	Senate Sponsor	Southerland
House Status	Assigned to s/c Elections	Senate Status	PSC; refeter to State & Local

Specifies municipal elections can be partisan or non partisan.

<b>House #</b>	<b>600</b>	<b>Senate #</b>	<b>326</b>
House Sponsor	Powell	Senate Sponsor	Akbari
House Status	Assigned to s/c Elections	Senate Status	PSC; refeter to State & Local

Changes criminal penalties for distribution of absentee applications

<b>House #</b>	<b>603</b>	<b>Senate #</b>	<b>646</b>
House Sponsor	Powell	Senate Sponsor	Yarbro
House Status	S/C Elections 3/8/2023	Senate Status	PSC; refeter to State & Local

Requires County Election Commission to issue notice requiring removal of campaign signs from publically owned property within three weeks after the election. Authorizes the EC to assess a penalty of \$50 per day per parcel is the signs are not removed.

<b>House #</b>	<b>635</b>	<b>Senate #</b>	<b>595</b>
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	Assigned to s/c Elections	Senate Status	P2C; refeter to State & Local

Reduces the period that voters may be purged before an election from 90 day to 50 days. This would appear to be in conflict with 52 USC 52 Ch. 205 Sec. 207 (c). The rest of this bill would allow local election commissions to choose to use hand marked paper ballots and hand count them. The bill as currently written does not explain how ballots would be counted from early voting and makes no provision for voters with disabilities as required under federal law.

<b>House #</b>	<b>636</b>	<b>Senate #</b>	<b>598</b>
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	On Reg House 2/27/2023	Senate Status	PSC; refeter to State & Local

Would allow a person who is excluded from the primary ballot to qualify as an independent.

<b>House #</b>	<b>730</b>	<b>Senate #</b>	<b>729</b>
House Sponsor	Hemmer	Senate Sponsor	Campbell
House Status	Assigned to s/c Elections	Senate Status	P2C; refeter to State & Local

Would allow nursing home voters to vote by absentee ballot.

<b>House #</b>	<b>732</b>	<b>Senate #</b>	<b>725</b>
House Sponsor	Barrett	Senate Sponsor	Hensley
House Status	Sch for SC 3/1/2023	Senate Status	P2C; refeter to State & Local

Prohibits political parties from requiring candidates to pay a fee.

<b>House #</b>	<b>772</b>	<b>Senate #</b>	<b>1182</b>
House Sponsor	Moon	Senate Sponsor	Swann
House Status	P1C	Senate Status	P1C

Any document, petition, or paper filed must be examined by the EC and if accepted then it is conclusively presumed that all requirements have been met and that the document, petition, or paper is timely filed.

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<b>House #</b>	<b>828</b>	<b>Senate #</b>	<b>978</b>
House Sponsor	Rudd	Senate Sponsor	Pody
House Status	P1C	Senate Status	P1C

Requires a sign to be posted at polling places informing voters it is a Class C misdemeanor to vote in a political parties primary without being a member of that party.

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<b>House #</b>	<b>835</b>	<b>Senate #</b>	<b>137</b>
House Sponsor	Richey	Senate Sponsor	Hensley
House Status	P1C	Senate Status	PSC; refer to State & Local

Changes TCA 2-2-141 from "may" to "shall". Since this is already being done, the impact is low.

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<b>House #</b>	<b>847</b>	<b>Senate #</b>	<b>783</b>
House Sponsor	Haston	Senate Sponsor	Walley
House Status	P2C Cities & Counties SC	Senate Status	P2C Assg State & Local Govt

Would increase minimum compensation for certified administrators of elections.

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<b>House #</b>	<b>882</b>	<b>Senate #</b>	<b>854</b>
House Sponsor	Martin, Greg	Senate Sponsor	Watson
House Status	P1C	Senate Status	Local Govt 2/28/2023

Would allow candidates to demand a list of all voters who changed their address at the polling place. Would require a recount to include the verification of any residence changed. The bill does not specify how or whom would verify the address.

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<b>House #</b>	<b>933</b>	<b>Senate #</b>	<b>346</b>
House Sponsor	McKenzie	Senate Sponsor	Campbell
House Status	P2C Refer to ElectionsSC	Senate Status	P2C Refer to State & Local

Adds a requirement to high schools to inform students about voter registration and date of HS registration day.

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<b>House #</b>	<b>956</b>	<b>Senate #</b>	<b>821</b>
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	P2C Refer to Elections SC	Senate Status	P2C Refer to State & Local

Similar to HB 635 SB 595. This bill would allow local election commissions to choose to use hand marked paper ballots and hand count them. The bill as currently written does not explain how ballots would be counted from early voting and makes no provision for voters with disabilities as required under federal law.

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<b>House #</b>	<b>974</b>	<b>Senate #</b>	<b>942</b>
House Sponsor	Glynn	Senate Sponsor	Oliver
House Status	P2C Refer to Election SC	Senate Status	State & Local 2/28/2023

Would reduce the voter registration deadline to 15 days prior to the election. This would be challenging to administer since early voting begins on the 20th day.

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<b>House #</b>	<b>1020</b>	<b>Senate #</b>	<b>1094</b>
House Sponsor	Doggett	Senate Sponsor	Bowling
House Status	P1C	Senate Status	P1C

Would require judges at the polling place to hand count the number of ballots and compare that number with the tally tape.

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<b>House #</b>	<b>1039</b>	<b>Senate #</b>	<b>760</b>
House Sponsor	Crawford	Senate Sponsor	Pody
House Status	P2C Refer to Election SC	Senate Status	State & Local 2/28/2023

Would require the comptroller of the treasury to compare voters with GIS to make sure they are in the correct districts. We already do this.

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<b>House #</b>	<b>1045</b>	<b>Senate #</b>	<b>1144</b>
House Sponsor	Keisling	Senate Sponsor	Hensley
House Status	Sch S/C Elections 3/1/2023	Senate Status	P2C Refer to St and Local

Would require voters to register by party but would allow the parties to permit unaffiliated voters to vote in their primary.

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<b>House #</b>	<b>1069</b>	<b>Senate #</b>	<b>946</b>
House Sponsor	Hemmer	Senate Sponsor	Oliver
House Status	P2C Refer SC Elections	Senate Status	Committee Hearing 2/28/2022

Would require only the last four of the SSN instead of the entire SSN.

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<b>House #</b>	<b>1099</b>	<b>Senate #</b>	<b>1101</b>
House Sponsor	Davis	Senate Sponsor	Bowling
House Status	Withdrawn	Senate Status	P2C; refer to State and Local

Would eliminate early voting and eliminate the provision that allows a voter to have help filling out a request for an absentee ballot. Lkely violates federal law as voters with disabilities are permitted to have help from the person of their choosing.

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<b>House #</b>	<b>1166</b>	<b>Senate #</b>	<b>1073</b>
House Sponsor	Glynn	Senate Sponsor	Yarbro - Change from Lundberg
House Status	P2C Refer to Crim Justice	Senate Status	P2C Refer to State & Local

Would shift the burden of restoring the rights to vote to the department of probation, courts, and election commissions from the formely incarcerated.

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<b>House #</b>	<b>1256</b>	<b>Senate #</b>	<b>1241</b>
House Sponsor	Dixie	Senate Sponsor	Akbari
House Status	P2C Refer to Crim Just SC	Senate Status	P2C Refer to State and Local

Would automatically restore a voters rights upon release of confinement, probation, or parole. Has some administrative issues.

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<b>House #</b>	<b>1304</b>	<b>Senate #</b>	<b>1052</b>
House Sponsor	Thompson	Senate Sponsor	Yarbro
House Status	P2C - Refer to SC Election	Senate Status	P2C - Refer to State& Local

Would allow persons not yet convicted but in jail to vote by absentee. We do this now but under a consent decree.

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<b>House #</b>	<b>1398</b>	<b>Senate #</b>	<b>716</b>
House Sponsor	Harris	Senate Sponsor	Oliver
House Status	Reset to Last Meeting	Senate Status	PSC; refeter to State & Local

Would require EC to post on their website a list of persons who had been purged. The author of the bill apparently does not know that some counties do not have websites. The bill makes no mention of how long the name should stay on the website.

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<b>House #</b>	<b>1399</b>	<b>Senate #</b>	<b>1527</b>
House Sponsor	Zachary	Senate Sponsor	Taylor
House Status	P2C - Refer to SC Election	Senate Status	P2C - Refer to State& Local

For a run-off election, would require EC to post on their website or in a newspaper how to vote absentee in the run-off. The deadline for publishing this is 5 days before the election. Problem is that the deadline to request an absentee ballot is 7 days before the election.

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<b>House #</b>	<b>1461</b>	<b>Senate #</b>	<b>1517</b>
House Sponsor	Towns	Senate Sponsor	Akbari
House Status	P2C - Refer to SC Election	Senate Status	P2C - Refer to State& Local

Would add the county mayor to the list of races requiring automatic audit.

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<b>House #</b>	<b>1493</b>	<b>Senate #</b>	<b>1017</b>
House Sponsor	Clemons	Senate Sponsor	Campbell
House Status	Failed in SC 2/15/2023	Senate Status	P1C

Would require every single communication with a voter via mail, email, text, social media, newspaper, radio, podcast or phone call to contain information about how to obtain a free ID for voting. The required statement takes two minutes and ten seconds to say; so no matter what a voter was calling about, they would be forced to listen to this. It would also eliminate distribution of anything, including I Voted Stickers, that are too small to have the required statement. (Which is just about anything smaller than 8" x 6".)

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**House Joint Resolution 13** Lamberth, Zachary  
**Passed House Subcommittee - Sent to House State and Local Government**

Proposes amending Article VII, Section 5 of the Constitution to have the election of judicial and other civil officers in November. Would require county primary to be held in August and county general to be held in November. Not clear what the impact is on city elections.

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# Shelby County Election Commission

## Administrator of Elections Monthly Report February 2023

- **Special General Election District 86** - is scheduled for March 14, 2023. Please plan to be here by 6pm.
- **Campaign Finance Certified Letters** – Certified letters are going out. There is a rather sizeable number, so this is going to take some time. (August 2022 – 43 are overdue. November 2022 – 8, Year End – 47) Please see the lists in your folders; this is accurate as of Noon today.
- **Outreach**
  - Currently scheduling visits by deputy registrars in the High Schools.
  - Attended the following events:
    - Naturalization Ceremony at the Federal Building 2/9/2023 – 24 new citizens registered on paper and many other used the QR code
    - Attending AAUW meeting to plan voter registration at SWTCC.
  - Deputy Registrar Classes - Next class is March 29, 2023 at 5:30pm here at the Operations Center.
  - Scheduling two “How to Run for Office” meetings in May and June. In July, we will hold a “How to Complete Campaign Finance Forms”.
- **Continuing Education** - I just returned from an Election Center Conference. Great Conference but pretty intense; I will provide more details next month as I got back this morning at 3am and I need a little time to process what I learned and how it might fit into Shelby County.

- **Days to Upcoming Events**

District 86 Special General Election	3/14/2023	15
First Day to Issue Petitions for Memphis Municipal Races	5/22/2023	84
First Day of Early Voting - Memphis	9/15/2023	200
Last Day of Early Voting - Memphis	9/30/2023	215
Memphis Municipal Election	10/5/2023	220
Memphis Municipal Election Run-Off (If required.)	11/16/2023	262