

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

March 20, 2023

The regular meeting of the Shelby County Election Commission (SCEC) was held on March 20, 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 4:10pm.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT CONSTITUTING A QUORUM: Commissioners Luttrell, Smith, Kimbrow, Stamson, and Uhlhorn

OTHERS IN ATTENDANCE:

Linda Phillips, AOE	Leonard Hopkins, IT
Jacob Swatley, Attorney	Suzanne Thompson, KQ
Monice Hagler, Attorney	Barbara Williams
Will Brantley, Attorney	Charlotte Bergmann
Sharon Logan, Staff	Rose Ann Bradley
Ron Boozer, Staff	Cherie Pyron
Sherry Hewlett, Staff	

APPROVAL OF FEBRUARY 27, 2023 REGULAR MEETING MINUTES:

MOTION STATED: Commissioner Smith motion to approve the minutes.

SECONDED BY: Commissioner Stamson

ROLL CALL VOTE: Motion Carried Unanimously.

MOTION TO CERTIFY MARCH 14, 2023 SPECIAL GENERAL ELECTION:

MOTION STATED: Commissioner Uhlhorn

SECONDED BY: Commissioner Kimbrow

ROLL CALL VOTE: Motion Carried Unanimously.

AOE Phillips presented information on the motion.

QUARTERLY VOTER REGISTRATION FORM REVIEW:

MOTION STATED: Commissioner Uhlhorn to approve.

SECONDED BY: Commissioner Kimbrow

ROLL CALL VOTE: Motion Carried Unanimously.

AOE Phillips presented information on the motion. Commissioner Smith commented that all SCEC Commissioners reviewed the forms, and the SCEC is in compliance.

MOTION TO APPROVE VOTER REGISTRATION APPEAL REQUEST:

MOTION STATED: Commissioner Kimbrow motion to approve voter registration.
SECONDED BY: Commissioner Smith
ROLL CALL VOTE: Motion Carried Unanimously.

AOE Phillips presented information on the motion regarding Robert Britton voter registration application.

2023 – 2024 SCEC MEETING SCHEDULE:

Discussion tabled until April meeting.

LEGISLATIVE UPDATE:

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

RESOLUTION 2023-02: AUTHORIZING LEGAL COUNSEL TO ADD CITY OF MEMPHIS AS A PARTY TO LITIGATION REGARDING THE MEMPHIS MAYOR DURATIONAL RESIDENCY REQUIREMENT:

MOTION STATED: Commissioner Kimbrow motion to approve.
SECONDED BY: Commissioner Smith
ROLL CALL VOTE: Motion Carried Unanimously.

Attorney Jacob Swatley presented information on the motion. Discussion on motion and the SCEC ministerial role by Commissioner's Smith and Kimbrow, Attorney's Hagler and Swatley.

Public Statement from Chairman Luttrell:

The Shelby County Election Commission (SCEC) does not determine the requirements to run for Memphis Mayor. As a ministerial body, the SCEC looks to the Memphis City Attorney to interpret the Memphis City Charter, which includes the requirements to run for Mayor. This approach is consistent with prior court rulings and statements by the TN State Coordinator of Elections.

The City's legal opinion was requested by the SCEC on November 28, 2022. Three months later, the City of Memphis provided the City's legal opinion through one of the City's outside attorneys.

Mayoral candidates and voters deserve clarity on the requirements to run for Mayor. Today, the Shelby County Election Commission unanimously approved adding the City of Memphis as a party to current litigation so that the City can defend its interpretation of the Charter in court.

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.

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Cherie Pyron

CHAIRMAN'S REMARKS:

Update on the Shelby County Commission Ad Hoc Election Commission Committee.

Announcement of Commissioner Smith's appointment 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.

ADMINISTRATOR'S REPORT:


AOE Phillips presented her report. Report is attached.

OLD BUSINESS:

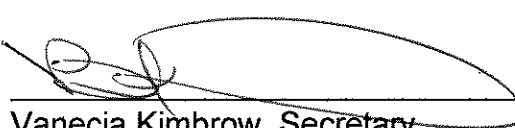
No old business brought to the floor.

ADJOURNMENT:

Adjournment Motion by Commissioner Stamson, Seconded by Commissioner Uhlhorn at 4:57pm.



Mark Luttrell, Jr., Chairman 5-23-23
Date



Vanecia Kimbrow, Secretary 5/23/23
Date


**CERTIFICATION OF ELECTION RESULTS
FOR THE STATE SPECIAL GENERAL ELECTION
HELD MARCH 14, 2023**

We, the undersigned members of the **Shelby County Election Commission**, do hereby certify that we held a **State Special General Election** on **Tuesday, March 14, 2023**, in the voting precincts of District 86 in this county, according to law, for the purpose of electing the office of **Tennessee House of Representatives District 86**. We have canvassed the returns of said election as required by law, and we do hereby certify that the following 2 pages of tabulation are a true, correct, and complete accounting of the results by precinct and county of said election as established by the canvassing of the returns, this **20th** day of **March, 2023**.

At least three (3) commissioners must sign below:



Chairman, County Election Commission



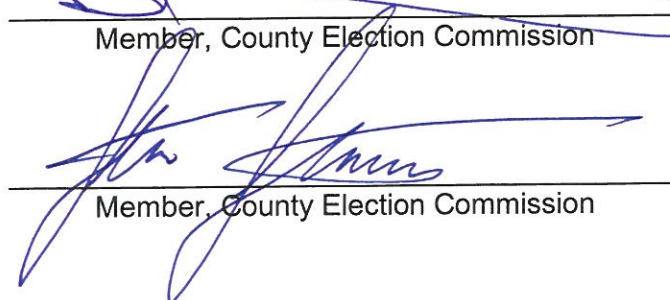
Secretary, County Election Commission



Member, County Election Commission



Member, County Election Commission



Member, County Election Commission

State of Tennessee - Shelby County

March 14, 2023

State General

Tennessee House of Representatives District 86

1 Justin J. Pearson - Democratic

443

Total Votes

443

March 20, 2023

State of Tennessee - Shelby County

March 14, 2023

State General

Tennessee House of Representatives District 86

1. Justin J. Pearson - Democratic

Precincts:	1
01-01	29
01-02	8
01-03	0
01-04	11
01-05	25
01-06	0
01-07	6
01-08	1
01-09	4
01-10	32
01-11	20
02-01	14
02-02	4
02-03	8
02-04	7
02-05	32
02-06	106
02-07	74
02-08	62
Totals:	443

SHELBY

County Voter Registration Inspection Report

COPY

Name of County

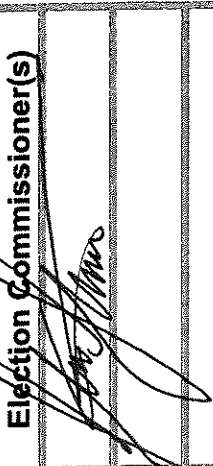

March 20, 2023 (time) on 4:00pm

At a public meeting held at (date), the members of our County Election Commission who have signed this report below inspected random voter registration applications processed in our county for deficiencies.

Total number of new registrations inspected (at least 10 % of the registration forms received in this quarter not to exceed 200)	210	Number of new registrations found deficient	0
Administrator: LINDA PHILLIPS		Number of deficient registrations identified where the individual has voted in an election	0

**** Deficiency Breakdown by Category ****

Name Missing	0	Legal Address Blank or PO Box	0	No Date of Birth	0	No Social Security #	0
Citizenship Question	0	TN Residency Question	0	No Place of Birth (unless Federal VR Form)	0	Felony Question	0
No Signature	0	If Unable to Sign - No Witness	0	Will Be 18 Years Old Question	0	Gender	0

Republican County Election Commissioner(s) 	Democratic County Election Commissioner(s) 	State Election Office Use Report Received: _____ Percent Deficient: _____ Comments: _____
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Mail, fax, or e-mail report within 7 days to the State Election Office. Keep a copy of this report in County Election Office.

113th General Assembly Election Legislation as of March 19, 2023

Dead

Passed

Heard This Week

No action this week but likely

No action likely this session.

House #	118	Senate #	580
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.

House #	121	Senate #	
House Sponsor	Richey	Senate Sponsor	
House Status	Withdrawn	Senate Status	

Would require registration by political party.

House #	133	Senate #	145
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.

House #	173	Senate #	176
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.

House #	193	Senate #	1108
House Sponsor	Barrett	Senate Sponsor	Bowling
House Status	S/C Elections 3/23/2023	Senate Status	State & Local 3/23/2023

Eliminates convenience voting.

House #	246	Senate #	136
House Sponsor	Barrett	Senate Sponsor	Hensley
House Status	S/C Elections 3/22/2023	Senate Status	State & Local 3/21/2023

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.

House #	262	Senate #	405
House Sponsor	Richey	Senate Sponsor	Hensley
House Status	S/C Elections 3/22/2023	Senate Status	State & Local 3/21/2023

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

House #	274	Senate #	1483
House Sponsor	Hardaway	Senate Sponsor	Campbell
House Status	S/C Elections 3/22/23	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.

House #	279	Senate #	904
House Sponsor	McKenzie	Senate Sponsor	Akbari
House Status	On Crim Just 3/21/2023	Senate Status	On Judiciary 3/21/2023

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.

House #	303	Senate #	285
House Sponsor	Jones	Senate Sponsor	Oliver
House Status	S/C Elections 3/23/2023	Senate Status	Local & State 3/21/2023

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

House #	405	Senate #	452
House Sponsor	Richey	Senate Sponsor	Oliver
House Status	Failed in Loc Govt 2/21/2023	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.

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

Caption Bill.

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

Caption Bill.

House #	428	Senate #	516
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.

House #	434	Senate #	527
House Sponsor	White	Senate Sponsor	Rose
House Status	Taken off Notice	Senate Status	PSC; refer to State & Local

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

House #	475	Senate #	428
House Sponsor	Crawford	Senate Sponsor	Lundberg
House Status	S/C Elections 3/22/23	Senate Status	PSC; refeter to State & Local

Caption bill. Amendment pack not available when this was prepared.

House #	486	Senate #	865
House Sponsor	Boyd	Senate Sponsor	Reeves
House Status	Sent to Governor	Senate Status	Sent to Governor

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

House #	499	Senate #	564
House Sponsor	Rudd	Senate Sponsor	Lundberg
House Status	S/C Elections 3/22/2023	Senate Status	PSC; refeter to State & Local

Caption bill. Amendment pack not available when this was prepared.

House #	505	Senate #	564
House Sponsor	Rudd	Senate Sponsor	Lundberg
House Status	S/C Elections 3/22/23	Senate Status	PSC; refeter to State & Local

Caption bill. Amendment pack not available when this was prepared.

House #	538	Senate #	950
House Sponsor	Parkinson	Senate Sponsor	Oliver
House Status	Taken Off Notice	Senate Status	Failed in Committee 3/7/2023

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

House #	543	Senate #	
House Sponsor	Harris	Senate Sponsor	
House Status	Withdrawn	Senate Status	

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

House #	561	Senate #	1512
House Sponsor	Todd	Senate Sponsor	Southerland
House Status	Failed in S/C Elections	Senate Status	PSC; refeter to State & Local

Specifies municipal elections can be partisan or non partisan.

House #	600	Senate #	326
House Sponsor	Powell	Senate Sponsor	Akbari
House Status	SC Election 3/22/23	Senate Status	State & Local 3/21/22

Changes criminal penalties for distribution of absentee applications

House #	603	Senate #	646
House Sponsor	Powell	Senate Sponsor	Yarbro
House Status	S/C Elections 3/23/2022	Senate Status	State & Local 3/21/2022

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.

House #	635	Senate #	595
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	S/C Elections 3/23/2023	Senate Status	State & Local 3/21/2023

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.

House #	636	Senate #	598
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	Passed; Sent to Senate	Senate Status	PSC; refeter to State & Local

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

House #	730	Senate #	729
House Sponsor	Hemmer	Senate Sponsor	Campbell
House Status	S/C Elections 3/23/2023	Senate Status	P2C; refeter to State & Local

Would allow nursing home voters to vote by absentee ballot.

House #	732	Senate #	725
House Sponsor	Barrett	Senate Sponsor	Hensley
House Status	Defer to First Calendar 2024	Senate Status	State & Local 3/21/2023

Prohibits political parties from requiring candidates to pay a fee.

House #	772	Senate #	1182
House Sponsor	Moon	Senate Sponsor	Swann
House Status	S/C Elections 3/22/2023	Senate Status	P2C; Refer to State & Local

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.

House #	828	Senate #	978
House Sponsor	Rudd	Senate Sponsor	Pody
House Status	Moved to Full 3/21/2023	Senate Status	On State & Local 3/21/2023

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.

House #	835	Senate #	137
House Sponsor	Richey	Senate Sponsor	Hensley
House Status	S/C Elections 3/23/2023	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.

House #	847	Senate #	783
House Sponsor	Haston	Senate Sponsor	Walley
House Status	Taken Off Notice	Senate Status	State & Local 3/21/2023

Would increase minimum compensation for certified administrators of elections.

House #	882	Senate #	854
House Sponsor	Martin, Greg	Senate Sponsor	Watson
House Status	Passed - Sent to Calendar	Senate Status	Passed sent to House

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.

House #	933	Senate #	346
House Sponsor	McKenzie	Senate Sponsor	Campbell
House Status	On S/C for 3/22/2023	Senate Status	Passed Senate; sent to House

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

House #	956	Senate #	821
House Sponsor	Barrett	Senate Sponsor	Pody
House Status	P2C Refer to Elections SC	Senate Status	State & Local 3/21/2023

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.

House #	974	Senate #	942
House Sponsor	Glynn	Senate Sponsor	Oliver
House Status	On S/C Elections 3/22/23	Senate Status	On State & Local 3/21/2023

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.

House #	1020	Senate #	1094
House Sponsor	Doggett	Senate Sponsor	Bowling
House Status	S/C 3/22/2023	Senate Status	St and Local Committee 3/21/23

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

House #	1039	Senate #	760
House Sponsor	Crawford	Senate Sponsor	Pody
House Status	Up to Full Comm. 3/21/2023	Senate Status	State & Local 3/21/2023

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.

House #	1045	Senate #	1144
House Sponsor	Keisling	Senate Sponsor	Hensley
House Status	Failed in Full Committee	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.

House #	1069	Senate #	946
House Sponsor	Hemmer	Senate Sponsor	Oliver
House Status	Defer to Summer Study	Senate Status	

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

House #	1099	Senate #	1101
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.

House #	1166	Senate #	1073
House Sponsor	Glynn	Senate Sponsor	Yarbro - Change from Lundberg
House Status	On Crim Just 3/21/2023	Senate Status	State & Local 3/21/2023

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

House #	1256	Senate #	1241
House Sponsor	Dixie	Senate Sponsor	Akbari
House Status	On Crim Just 3/21/2023	Senate Status	State & Local 3/21/2023

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

House #	1304	Senate #	1052
House Sponsor	Thompson	Senate Sponsor	Yarbro
House Status	P2C - Refer to SC Election	Senate Status	On State & Local 3/21/2023

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

House #	1398	Senate #	716
House Sponsor	Harris	Senate Sponsor	Oliver
House Status	Reset to Last Meeting	Senate Status	State & Local 3/21/2023

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.

House #	1399	Senate #	1527
House Sponsor	Zachary	Senate Sponsor	Taylor
House Status	On S/C for 3/22/2023	Senate Status	Deferred; first calendar of 2024

Caption Bill amended to eliminate run-off elections.

House #	1461	Senate #	1517
House Sponsor	Towns	Senate Sponsor	Akbari
House Status	S/C Elections 3/22/23	Senate Status	P2C - Refer to State& Local

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

House #	1493	Senate #	1017
House Sponsor	Clemons	Senate Sponsor	Campbl
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,

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.

ITEM #: 2023-02

PREPARED BY: Linda Phillips

APPROVED BY: Linda Phillips

**RESOLUTION AUTHORIZING LEGAL COUNSEL TO ADD CITY OF MEMPHIS
AS A PARTY TO LITIGATION REGARDING THE MEMPHIS MAYOR
DURATIONAL RESIDENCY REQUIREMENT**

WHEREAS, the City of Memphis issued a legal opinion on February 28, 2023, through one of its outside attorneys stating that the Memphis City Charter contains a durational residency requirement for the office of Mayor;

WHEREAS, the Shelby County Election Commission does not provide a legal opinion on the subject of qualifications to run for office in a municipal charter;

WHEREAS, the Shelby County Election Commission is a ministerial body and looks to the Memphis City Attorney on questions regarding interpretation of the Memphis City Charter and the qualifications to run for municipal office therein;

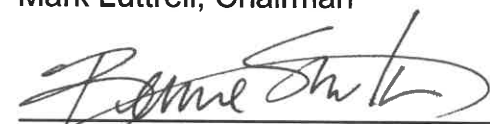
WHEREAS, the Shelby County Election Commission has been named as a defendant in two (2) cases filed in Chancery Court regarding the Memphis Mayor durational residency requirement; and

WHEREAS, the Shelby County Election Commission believes it is legally appropriate and necessary for the City of Memphis to be a party in these cases.

NOW, THEREFORE, BE IT RESOLVED BY THE SHELBY COUNTY ELECTION COMMISSION that its legal counsel is authorized and approved to cause the City of Memphis to be named as a party in litigation regarding the Memphis Mayor durational residency requirement.



Mark Luttrell, Chairman



Bennie Smith, Jr, Secretary



Vanecia Baiser Kimbrow, Member



Steve Stanson, Member



Frank Uhlhorn, Member

Adopted march 20, 2023



Shelby County Election Commission

Administrator of Elections Monthly Report March 2023

- **Overdue Campaign Finance Reports** – There is a list in your folders of what will be posted to the website tomorrow. There are still 27 overdue reports from August, 2022 candidates – a number of which are current office holders. There are 3 overdue reports from November, 2022 local candidates and 38 overdue reports from candidates from earlier years with open accounts. Please note that people who have failed to file the overdue reports by the qualifying deadline (and any fines if you choose to assess them) cannot be on the ballot.
- **GIS Review of Precincts** – We sent our VRS data file to the State Comptroller’s Office and they reviewed our precinct assignments. They returned 519 records to review. A sizeable number of these aren’t actually problems – some of them were dwellings that have been demolished but still have inactive registered voters listed there. Some were strange quirks of the City of Memphis address system. We have corrected all of them and so now every voter is in the correct precinct.
- **New Employee** - I am pleased to announce that Nakeal Williams has been hired to replace Mia Williams, who has retired. Nakeal has been part-time with us for several years. Her full-time start date is April 3, 2023.
- **Classes** - “**How to Run for Office**” will be held on May 20, 2023 at 10:00am at the Operations Center and again on June 13, 2023 at 5:30pm. “**Do’s and Don’ts of Campaign Finance**” will be held on June 17, 2023 at 10:00am at the Operations Center. This class will be held again via ZOOM on June 20, 2023 at 5:30pm. People who want to attend should register via e-mail with Sherry Hewlett.
- **Outreach**
 - Currently scheduling visits by deputy registrars in the High Schools. 2 are scheduled for this week and 2 for next week. The demos next week will also include an opportunity to use the voting machines.
 - Attended the following events:
 - Naturalization Ceremony at the Benjamin Hooks Building – 20 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 28, 2023, at 5:30pm here at the Operations Center. So far 18 have registered for the class.
- Deputy Registrars supported the SMA Community Resource Fair held on March 17th.
- Looking forward, we will be at the Germantown Neighborhood Summit on April 25th. The MHEA Homeschool Voter Registration and Tour of the Operations Center will be held on April 28.

- **Days to Upcoming Events**

Event	Date	Days Until
First Day to Issue Petitions for Memphis Municipal Races	5/22/2023	63
First Day of Early Voting - Memphis	9/15/2023	179
Last Day of Early Voting - Memphis	9/30/2023	194
Memphis Municipal Election	10/5/2023	199
Memphis Municipal Election Run-Off (If required.)	11/16/2023	241