



**SHELBY COUNTY ELECTION COMMISSION  
SPECIAL COMMISSION MEETING MINUTES**

**May 18, 2022**

The special meeting of the Shelby County Election Commission was held on May 18, 2022 at the O.C. Pleasant, Jr. Election Operations Center, 980 Nixon Drive, at 1:00pm. This meeting was recorded on Facebook live.

**MEETING CALLED TO ORDER:** By Chairman Luttrell at 1:08pm.

**COMMISSIONERS PRESENT:** Commissioners Smith, Kimbrow, Stamson, and Uhlhorn

**OTHERS IN ATTENDANCE:**

Linda Phillips, AOE  
Joe Young, DAOE  
Monice Hagler, Attorney  
Jacob Swatley, Attorney  
Deborah Upchurch, staff  
Sherry Hewlett, staff  
Ron Boozer, staff  
Destini Johnson, KQ Communications  
Bill Dries, Media  
Theryn C. Bond  
Sarah W. Freeman  
Ari Sawyer-Brooks  
Rose Ann Bradley  
Mary Mackey  
Linda Street  
Aaron Robinson  
Darren Wagner  
Eugenia Wagner

**PLEDGE OF ALLEGIANCE**

**RESOLUTION TO CERTIFY THE MAY 3, 2022 PRIMARY ELECTION**

**MOTION STATED:** Commissioner Stamson

**SECONDED BY:** Commissioner Uhlhorn

**VOTE TALLY:** Luttrell, Yea; Smith, Nay; Kimbrow, Yea; Stamson, Yea; Uhlhorn, Yea

OUTCOME OF MOTION: Passed

AOE Phillips recommended certifying the candidates that won the election. List is included in folder. Accounting firm report previously emailed to commissioners. Report showed no significant errors.

Commissioner Smith stated that statute §2-12-116 mandates the Commissioners compare poll tapes to tabulator results to ensure accuracy and asked if that was done. AOE Phillips confirmed it was done. Commissioner Smith stated that he did not participate in the comparison. He also stated that he had requested a SOVC and received an export, but did not receive the precinct level Gems. AOE Phillips stated SOVC was available, wrong file may have been sent.

AOE Phillips later advised that code §2-8-104 authorizes the Commission to designate people to review the tapes. Commissioner Smith stated that he had not abdicated the responsibility.

Commissioner Kimbrow stated for the record that she was obligated to the public to provide transparency. She stated that she did not receive all of the information she requested at the last meeting. She also stated that AOE Phillips did make available the tapes today as well as sent the Gems report. Commissioner Kimbrow stated that there was a meeting with Commission Council that was not announced or attended by either Democratic Commissioners. She expressed her objection to such meeting to AOE Phillips, Chairman Luttrell and Attorney Swatley. Commissioner Kimbrow advised Attorney Swatley that meetings with more than one Commissioner should be stopped until notice is given to all Commissioners. She also requests that she be given notice of all meeting dates and times from the attorney's office when services are billed unless it is on a Chairman only matter.

**CHAIRMAN LUTTRELL ADDED AMBER MILLS ELIGIBILITY CHALLENGE MATTER TO THE AGENDA:**

**MOTION TO SUBMIT THE MATTER OF AMBER MILLS TO JUDICIAL REVIEW FOR DETERMINATION ON ALL MATTERS RELAVENT TO THE CHALLENGE:**

MOTION STATED BY: Commissioner Kimbrow

MOTION SECONDED: Commissioner Stamson

MOTION OUTCOME: Unanimous

Chairman Luttrell called on Attorney Swatley for presentation of the matter. Attorney Swatley explained that during the May election process an email was received that challenged Amber Mills candidacy eligibility based on the same residency question as her spouse, Lee Mills. Question is whether or not their home is located in Shelby or Fayette County. Chancellor Kyle has ruled in favor of Lee Mills, but Amber Mills was not part of that judgement. Case law and precedent dictates that appropriate times to challenge qualifications of a candidate are before an election or after election certification. Attorney Swatley advised that the question can now be submitted if the Commission chooses via declaratory judgement action to the Chancery

