

SHELBY COUNTY ELECTION COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 26, 2018

APPROVED

Regular Meeting of the Shelby County Election Commission was held on November 26, 2018, at 4:00 pm at the Election Operations Center, 980 Nixon Drive.

**CALLED TO ORDER:** Chairman Meyers      **Time:** 4:08pm

**COMMISSIONERS PRESENT:** Commissioner Lester, Commissioner Nollner, Commissioner Stamson, and Commissioner Tate

**CERTIFY NOVEMBER 6, 2018 ELECTION RESULTS**

**MOTION STATED:** Commissioner Lester Stated as Secretary she is motioning to certify the election but because of concerns she will not vote in support of the certification.

**SECONDED BY** Commissioner Nollner

**ABSTAINED:** Commissioner Tate

**FOR:** Chairman Meyers, Commissioner Nollner, and Commissioner Stamson

**AGAINST:** Commissioner Lester

**OUTCOME OF MOTION:** Passed 3-1 (Yes- Meyers, Nollner, Stamson; No- Lester; Abstained- Tate)

**ATTORNEY'S REPORT**

Litigation update given by Attorney Ryder

• **“Save IRV” vs SCEC.**

Received a new lawsuit from “Save IRV”. They are seeking to review the 2017 letter that was issued by Coordinator of Elections, Mark Goins directing us not to implement IRV.

• **Lowry vs SCEC**

Status conference is scheduled for the morning of November 27<sup>th</sup>.

• **NAACP vs SCEC**

Lawsuit is pending in the United State District Court.

• **Michael Floyd vs SCEC**

Contesting the Circuit Court result from the August 2<sup>nd</sup> Election have been dismissed.

• **Latroy Williams vs SCEC**

The first lawsuit was dismissed. Motion to reconsider was denied.

• **Latroy Williams vs SCEC**

The second lawsuit motion to dismiss have been filed by Chairwoman Mary Mancini, the chairwoman of the TN Democratic Party.

- Save IRV is adjoining effort to prevent the Election Commission to placing the three (3) referendums on the ballot in the November 6 Election. The request for a temporary restraining order was denied.

• **Shelby Advocates for Valid Elections vs SCEC**

This lawsuit is in the United States District Court. The group requested a temporary restraining order regarding the DRE machines and the process of votes. Their motion for TRO (Temporary Restraining Order) was denied. The balance of the lawsuit is still pending. They are challenging the commission the use of the current machines and are seeking to have the court to order the use of a different kind of machine.

• **The TN Black Voter Project vs SCEC**

Lawsuit was filed in Chancery Court. TN Black Voter Project requested a temporary restraining order dealing with the handling of voters who votes would ordinary be cast by provisional ballot be cast on the machines. The Chancellor granted their motion for temporary restraining order. The Court of Appeals sat that order aside. The plaintiff sought a review from the TN Supreme Court. TN Supreme Court upheld the ruling of the Court of Appeals. The Court of Appeal has

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dismissed our appeal as moot. Since the Election is over, the plaintiff has voluntarily decided to dismiss their lawsuit.

**ADMINISTRATOR'S REPORT**

Given by Mrs. Phillips.

The following items were discussed:

- Writ for the TN Senate District 32 Primary and General Election
- TN Senate District 32 Primary Election Deadline
- Nursing Home schedule for Primary Election
- Possible schedule for Early Voting for TN Senate District 32 Primary Election
- Filing deadline
- Why was a new form implemented?
- Geocoding issues
- 8,000 applications were corrected of the efficiency on November 6<sup>th</sup> Election Day.

**PUBLIC COMMENTS:**

Each visitor was given 3 minutes to speak

- Virginia Whelan
- Emily Fulmer
- Janetta Lentz
- Sarah Wilkerson Freeman
- Mary Green
- Kendra Lee
- Dell Gill
- Bryan McBride
- Desi Franklin
- Lisa Moore
- Kenny Crenshaw

**EXECUTIVE SESSION**

The Commission recessed the public meeting for an Executive Session to meet with legal Counsel concerning pending litigation. Chairman Meyers, Commissioner Lester, Commissioner Nollner, Commissioner Stamson, Commissioner Tate, Linda Phillips, Joe Young, Genine Taylor, Attorney Ryder, Attorney Varela, and Attorney Hagler went into a private executive session.

**OLD / NEW BUSINESS:**

**New:** Commissioner Nollner requested that the "100%" on the first Election night report results be removed.

**New:** Commissioner Tate inquired about a salary increase for poll workers

**ANNOUNCEMENTS:**

- Regular Commission Meeting scheduled for Tuesday, December 18, 2018 at 4:00 p.m.

**ADJOURNMENT:**

Commissioner Lester made motion to adjourn. Seconded by Commissioner Nollner. Meeting was resumed and adjourned.

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**OTHERS IN ATTENDANCE:**

Linda Phillips, Administrator  
Joe Young, Chief Deputy AOE  
Deborah Upchurch, Staff  
Leonard Hopkins, ITS  
Attorney Varela  
Attorney Ryder  
Attorney Hagler  
Attorney Bibbs  
Kristina Garner  
Kendra Lee  
Mary Green  
Barbara Williams  
Betty Turner  
Charles Mullins

Ron Maxy  
Bill Dries  
Nancy Tapp  
Janice Banks  
Janetta Lentz  
Jane Conner  
Bryan McBride  
Vicki Park  
Desi Franklin  
Dell Gill  
Lisa Moore  
Marlene Strube  
Emily Fulmer

Marti Holladay  
Kenny Crenshaw  
Jane Pierotti  
Sarah Wilkerson  
Freeman  
Virginia Whelan

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Robert Meyers, Chairman

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Date

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Norma Lester, Secretary

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Date