

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

October 24, 2022

The regular meeting of the Shelby County Election Commission (SCEC) was held on October 24, 2022, 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 (via phone), Stamson, and Uhlhorn

Quorum was present.

OTHERS IN ATTENDANCE:

Linda Phillips, AOE	Cherie Pyron
Joe Young, DAOE	Barbara Williams
Monice Hagler, Attorney	Michael Wright
Jacob Swatley, Attorney	Robert Reed
William Brantley, Attorney	Carole Van Vessen
Deborah Upchurch, staff	C. L. Hills
Ron Boozer, Staff	Sandra Oates
Sherry Hewlett, staff	
Leonard Hopkins, IT	
Suzanne Thompson, KQ	

PUBLIC COMMENTS ON NON-AGENDA ITEMS:

Cherie Pyron
Michael Wright
Barbara Williams

APPROVAL OF SEPTEMBER 26, 2022, REGULAR MEETING MINUTES:

MOTION STATED: Commissioner Uhlhorn motion to approve the minutes.
SECONDED BY: Commissioner Stamson
ROLL CALL VOTE: Motion Carried Unanimously

APPROVAL OF OCTOBER 17, 2022, SPECIAL MEETING MINUTES:

MOTION STATED: Commissioner Smith motion to approve the minutes.

SECONDED BY: Commissioner Stamson
ROLL CALL VOTE: Motion Carried Unanimously

RESOLUTION TO APPROVE OPERATIONS CENTER ACCESS & SECURITY POLICY:

MOTION STATED: Commissioner Smith
SECONDED BY: Commissioner Kimbrow
ROLL CALL VOTE: Motion Carried with language as discussed.

Question Called: Commissioner Smith

Item carried over from last meeting pending amended language.

Attorney Swatley presented information on item and the amended language.

Commissioner Smith asked about bipartisan access, given that procedures require those that enter the server room receive training before access is granted. Policy language was updated to expand bipartisan access to include SCEC Administrator or Deputy Administrator for access.

CHAIRMAN'S REMARKS:

The Chairman has visited some of the polling locations and general response from the public and poll workers is positive. The Chairman thanked AOE Phillips for the training and support.

ATTORNEY'S REPORT:

Attorney Swatley reported that the Election Commission has one active litigation matter, a lawsuit filed by Marion Latroy Alexander-Williams, Jr. Filed a motion to dismiss. Motion is still pending; previous court date was delayed.

ADMINISTRATOR'S REPORT:

AOE Phillips presented her report. Report is attached.

Commissioner Smith asked some technical questions for the record regarding new equipment:

Are the ExpressVote BMD's non-tabulating? AOE Phillips replied in the affirmative.

Do the DS200's have modems? AOE Phillips replied that they do not and that it is illegal to have modems under TN law.

How are we handling public records, as in CVR's? AOE Phillips replied that we have not had training on these reports, so the decision has not yet been made.

Is the default setting on the ES&S equipment to not destroy data images because it is a part of the public record? Through discussion, AOE Phillips thought that the setting was for retention

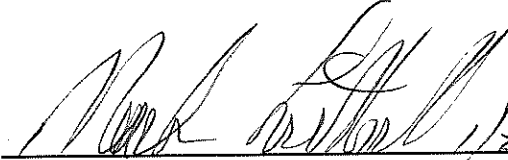
of the images at this time and that the Coordinator of Elections does not consider ballot images public records.

OLD BUSINESS:

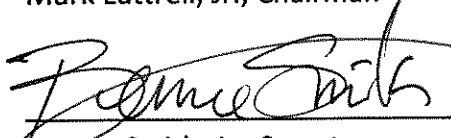
No old business brought to the floor.

ADJOURNMENT:

Adjournment Motion by Commissioner Stamson, Seconded by Commissioner Uhlhorn at 4:56pm.



Mark Luttrell, Jr., Chairman Date 1/23/23



Bennie Smith, Jr., Secretary Date 1/23/23

SHELBY COUNTY ELECTION COMMISSION

Operations Center Access & Security Policy

Scope

The purpose of this policy is to balance the rights of citizens to view the activities of the Shelby County Election Commission (“SCEC”) with the very real need to prevent unauthorized access to election delivery equipment, information, or areas and any tampering or even the appearance of tampering with election materials. The approach is security role based and is created to accomplish 1) Principle of Least Privilege, 2) Need to Know or access in order to perform one’s duties or fulfil one’s role, and 3) Only as long as needed to perform task(s).

Authority

While the SCEC adopts this Operations Center Access & Security Policy and may take any lawful action related to the security of the Operations Center, the SCEC delegates the responsibility for maintaining of security of the SCEC offices and any other rooms or facilities it may use in the performance of its duties to the Administrator of Elections. pursuant to Tenn. Code Ann. § 2-12-116(15).

The SCEC or the Administrator of Elections may make exceptions to the Operations Center Access & Security Policy for any legitimate reason that advances the purpose of this policy. If any Shelby County citizen disagrees with an exception to this policy made by the Administrator of Elections, he or she may report in writing their disagreement to the SCEC. The SCEC may then consider the citizen’s report at its next regularly scheduled SCEC meeting and take any lawful action.

Definitions

- **Proxy Card:** A proximity card or a key card is a contactless smart card issued by the SCEC that provides access to certain areas pursuant to its programming.
- **Election Day:** Any day (whether morning, afternoon, evening, or night) during which a ballot is counted, recounted or tabulated pursuant to Tennessee law or judicial order.
- **Election Day Visitor:** Any individual who enters the Operations Center on an Election Day who is not an SCEC staff member, Election Commissioner, SCEC contractor, SCEC attorney, State Election Commissioner, or employee of the Tennessee Division of Elections.

- **Secure Area:** Each and every room and area within the Operations Center except the Front Hallway and the Training Room. The Administrator may designate additional areas as a Secure Area in his or her discretion.
- **Server Room:** The room which contains the tabulation server, upload equipment, and election reporting equipment. An SCEC Commissioner may access the Server Room only if (1) the Commissioner has received server training and (2) a Commissioner, Administrator, or Deputy Administrator of the other party who has also received server training is present in the Server Room at the same time.
- **Observation Area:** The area from which the Server Room may be observed through a glass window.
- **Front Hallway:** The hallway at the front of the building which includes the public entrance. For clarity, the restrooms are part of the hallway under this Security Policy.
- **Training Room:** The large conference room in the southeast corner of the Operations Center.
- **Central Offices:** The area behind the glass window in the front of the building through which the public may request assistance.
- **Small Conference Room:** The room across the hall from the Counting Room which contains a small conference table.
- **Counting Room:** The room utilized for the counting of absentee ballots on Election Day which contains a glass window to the warehouse.
- **Warehouse:** The large room which encompasses the northern half of the Operations Center and features overhead doors to allow the loading and unloading of trucks.
- Fire Safe: [unknown]
- **Voting Machine Tech storage room:** The room adjacent to the Voting Machine Tech Office where spare and miscellaneous equipment is stored
- **Vault:** The room where active election documents are stored and safes where are located.

Public Meetings

- Visitors attending public meetings of the Election Commission that are held in the Training Room must sign in at the meeting desk.
- If a Commission meeting must be held in the Small Conference Room that is behind a Proxy Card lock, then visitors will need to sign in and receive badges.

Full Time & Regular Part Time Employees of the Election Commission:

- All employees have name badges and the badges must be worn in a visible location at all times.

- Employees with Proxy Cards must not loan or share them with others. Proxy Cards are programmed to allow access only to the areas that the employee's job requires. Employees who lose their Proxy Card will pay \$50 to replace the card and re-program access.
- Only individuals who have received training in the ballot creation and vote tabulation software are permitted in the Server Room. When there is a live election or tabulation is occurring, a bipartisan team must be present whenever access is required to the server.
- Access to the Fire Safe is permitted only when a bi-partisan team is present.
- The main door on the dock in the Warehouse must never be propped open unless continuously monitored by an SCEC employee or a sheriff's deputy.
- When the dock overhead doors in the Warehouse are open to allow loading and unloading of trucks, staff must be vigilant in ensuring that the doors are only open for the minimum amount of time.

Temporary Employees of the Election Commission:

- Temporary employees will have name badges and the badges must be always worn in a visible location.
- Regular, returning temporary employees will be issued Proxy Cards at the discretion of their supervisor.
- Temporary employees without Proxy Cards shall be admitted to a Secure Area by their supervisor.

Poll Workers Attending Training:

- Since some training locations can only be reached by going through a Secure Area, poll workers attending training in a Secure Area will have name badges and will be escorted as a group to the training location.

Employees of Shelby County:

- Must sign in at the front counter and receive a visitor's badge. The badge must be always visible. Shelby County employees who need to do repair work in the Warehouse must be accompanied by an SCEC staff member or continuously monitored on the security feed when programmed election equipment is present.

Other Visitors and Vendors Other than Election Day and Public Test:

- Access to a Secure Area is limited to only what is required for the vendor to do their job.
- Visitors in a Secure Area will be accompanied by an SCEC staff member at all times.
- Vendors will be supervised in a Secure Area and their access is limited to the rooms or areas required to perform their required task.
- Vendors are never permitted in the Server Room when tabulation is occurring. Vendors who need access to the routers will be closely supervised by an SCEC employee.
- All visitors must sign in and receive a visitor's badge. The badge is to be worn in a visible place during their entire visit.

Tours:

- School and other tour groups will be limited to times of the year when programmed election equipment is not present. Tours will be conducted only with a bi-partisan team of SCEC staff members present and with the prior approval of the Administrator.
- One on one tours of the Operations Center may be permitted when programmed election equipment is present but the visitor must be accompanied at all times by a bipartisan team SCEC of staff members.

News Media Other than Election Day:

- News media are to be treated as any other visitor.

Visitors Watching the Public Test:

- Must sign in and receive a visitor's badge. They must remain with the group and are not permitted to wander around the Warehouse

Poll Watchers on Election Day Observing the Absentee Counting Board:

- Poll workers must be appointed in accordance with TCA § 2-7-104. When they arrive, the poll watcher will present their credentials and sign in at the front counter. In addition to their credential, they will receive a badge that must be worn in a visible location. This badge helps those who monitor the security feed.
- As required by TCA § 2-7-104, the poll watcher will place their cell phones, laptops, smart watch, pagers, or any other device capable of transmitting results in an envelope, which they will seal and write their name upon. SCEC staff will lock the envelopes in a file cabinet.
- Poll watchers will then be escorted to a location in the Secure Area where they can watch the activities. Stanchions will cordon off the viewing area. As per TCA § 2-7-104, they must remain in that area until the absentee counting board is finished and results tabulated. Should a poll watcher need to use the restrooms, they will be escorted to the nearest restroom. When finished, the poll watcher will be escorted back to the viewing area. Poll watchers may not wander around the Warehouse. When the activities of the counting board are complete and the results available, the poll watcher will be escorted back to the Training Room and their property returned. They may continue to observe via the security camera feed.
- **Poll Watchers may not go anywhere in a Secure Area without the supervision of a bi-partisan team of SCEC staff members.**

Election Day Visitors:

- Election Day Visitors are welcome to come to the Operations Center but they will remain in the Training Room while the election is being tabulated and equipment is being returned. The purpose of restricting access of Election Day Visitors from a Secure Area is to promote election integrity and ensure the security of election equipment and counting/tabulation. Neither the SCEC, candidates, party officials, media, or their representatives or counsel want any suggestion that there was improper access to election materials by unauthorized personnel. There are two large screen TV's in the Training Room; one will have the Election Night Reporting Results.

The other will show the security feed from the cameras in the warehouse and the upload area.

- Upon request, Election Day Visitors may be escorted by SCEC staff through a Secured Area to the Warehouse for observing the Counting Room through the glass window or the returning of election hardware to the Warehouse. While in a Secured Area, Election Day Visitors must be escorted at all times by SCEC staff unless allowed to stay within a designated area by SCEC staff in the Warehouse.
- Election Day Visitors may not enter the Observation Area on an Election Day without prior authorization by act of the Shelby County Election Commission.
- A sheriff's deputy will be stationed on the back dock to ensure that unauthorized visitors do not enter the Warehouse on Election Day.

General Concepts:

- No interior or exterior door providing access to a Secure Area is ever to be propped open unless it is being continuously monitored by an SCEC employee or sheriff's deputy.
- The dock doors to the Warehouse are to be open as rarely as possible and for as short a period as possible. When the dock doors are open, they should be carefully monitored by an SCEC employee or sheriff's deputy. As an additional precaution, when the dock doors are to be opened, the Operations Manager, the DAOE and/or the AOE should be notified that the dock doors are about to be opened so that the dock security camera feed can be monitored to detect any unauthorized activity.
- The main door on the dock is never to be propped open. Employees must individually enter and exit the building through the front main using their individual proxy card.
- Front door keys are assigned to specific employees and the Operations Manager maintains a log of those keys. Keys must be returned if an employee with a front door key leaves the employ of the SCEC.
- Exterior door locks are to be changed whenever keys are lost or employees are terminated for cause.
- Keys to the exterior dock door are to be stored in the Server Room, thus assuring that few people have access to open a door that opens directly into a Secure Area.

- The alarm system is to be set whenever no SCEC staff is within the Operations Center. Each full-time employee is assigned a unique alarm system code that may not be shared.
- Proxy Cards and MFA cards are issued after the individual is processed. A Shelby County Acceptable Use Policy must be reviewed and signed annually. A SCEC security policy issued at that time. It must also be reviewed and signed. VRS users must be issued an MFA card as well. Commissioners and attorneys are also issued policy statement agreements that must be signed.
- When employment of an SCEC staff member ends for any reason, name badges, Proxy Cards, MFA cards, and any keys in the possession of the employee must be returned to the supervisor. In the case of temporary employees who return on a regular basis, the supervisor will return the name badge to the employee when the employee next works.



Shelby County Election Commission

Administrator of Elections Monthly Report October 2022

- **Absentee Ballots** – We have sent out over 3,500 absentee ballots; returns have been slow. The deadline to request for an absentee ballot is November 1, 2022. However, I strongly suggest that people do not wait until the deadline. 7 days does not give enough time for us to mail the ballot out and for the voter to mail it back. Ballots must be received by 7pm on Election Day.
- **Campaign Finance Pre-General** – Reminders were sent out. Reports are due November 1, 2022 and cover the period October 1, 2022 through October 29, 2022.
- **Equipment** – All has been received except the Meraki routers; they should be here tomorrow. There are three ExpressVotes that require warranty service or replacement.
- **Outreach**
 - High School Voter Registration has started – deputy registrars have visited 15 school and turned in 301 paper applications.
 - Supported 5 voter registration events with our Deputy Registers.
 - Attended the following events:
 - Naturalization Ceremony at the Federal Building – 30 new citizens registered on paper and many other used the QR code
 - Mempho Music Fest – we had a tent and talked to young people about registering and voting.
 - Grizzlies Public Practice – we had a table set-up. People could demo the new equipment and register to vote.
- **Days to Upcoming Events**
 - National Early Voting Day – 4 Days, October 28, 2022
 - Early Voting Ends – 10 Days, November 3, 2022
 - November General Election – 15 Days, November 8, 2022