

Linda Phillips,
Administrator
Joe Wm. Young, II
Chief Deputy Administrator



Mark Luttrell, Jr., *Chairman*
Bennie J Smith, Jr., *Secretary*
Vanecia Kimbrow, *Member*
Steve Stamson, *Member*
Frank Uhlhorn, *Member*

Shelby County Election Commission

DATE: February 14, 2023

TO: Shelby County Republican Party Chairperson
Shelby County Democratic Party Chairperson
Candidate

FROM: Linda A. Phillips, Administrator of Elections
Shelby County Election Commission

SUBJECT: POLL WATCHER ELECTION PROCEDURES

SHELBY COUNTY ELECTION INFORMATION

ED Machine Inspection: February 28, 2023, 9am- 11:00am

Election Day: Tuesday, March 14, 2023, 7:00am to 7:00pm

Early Voting: No Early Voting required for this election. (TCA 2-6-102(2)(b)(1))

Nursing Home Visits: March 1, 2023

POLL WATCHER APPOINTMENT FORM - IMPORTANT DATES

NURSING HOME

FIRST DAY TO SUBMIT REQUEST: Wednesday, February 22, 2023

LAST DAY TO SUBMIT REQUEST: NO LATER THAN 12:00 NOON ON Monday, February 27, 2023

ELECTION DAY

LAST DAY TO SUBMIT REQUEST: NO LATER THAN 12:00 NOON ON Friday, March 10, 2023

POLL WATCHERS

Enclosed is a copy of TCA § 2-7-104 which describes the appointment, rights, and duties of a Poll Watcher. Please read carefully.

Each candidate or interested organization may appoint one (1) or more poll watchers for each polling place; provided, however, at any given time, such candidate/organization shall have not more than one (1) such poll watcher on duty at each polling place. Candidates and precinct election officials may **not** be appointed as poll watchers.

All requests with candidates listed as a Poll Watcher will be rejected and returned. All appointments must be made in writing and signed by the person(s) or organization(s) authorized to make the appointment.

The appointment of a Poll Watcher must be in writing and filed in the Shelby County Election Commission Office no later than 12:00 noon two (2) business days before the poll watcher will be present at an Early Voting, Election Day, or other observation site. Each political party with candidates in the election may have two (2) watchers at each polling place. One (1) of the watchers representing a party may be appointed by the Chair of the County Executive Committee of the party and the other by a majority of the candidates of that party running exclusively within the county in which the watchers are appointed. If **the Candidate(s)** of a party fails to appoint Poll Watchers by 12:00 noon on the third day before the election, **the Chair** of the County Executive Committee of the party may appoint both Poll Watchers representing the Chair's party.

IMPORTANT: The statutory deadline will be strictly enforced.

Shelby County Poll Watcher Appointment Forms are included in this packet. Completed forms can be submitted in-person, via fax, or emailed to the Election Commission employee. Badges will be available from downtown or east location, please specify on the form.

Sherry Hewlett
157 Poplar Ave., Ste. 137
Memphis, TN 38103
222-1203 / fax: 222-1217
sherry.hewlett@shelbycountyttn.gov

BADGES / SIGNATURES

Upon receipt of the Poll Watcher Form, Poll Watcher Badges will be issued and ready for pick-up within 48 hours at either of two office locations. After you receive the badges from the Election Commission, the badges **must be signed by the appropriate Organization Representative, Party Chair, or Candidate**. The Shelby County Election Commission will accept a fax for the appointment of poll watchers that contains the signature of the person authorized to make the appointments or an email with an attached document that includes a scanned signature of the person authorized to make the appointments.

Poll Watchers **must** sign-in with the Officer of Election at the Early Voting or Election Day Precinct / Location where they have been assigned. The laws governing Poll Watchers will be provided to the Poll Watcher by the Officer of Election. Poll watchers are not allowed:

- to greet voters or speak to the voting public
- to interfere with any voter while inside the polling location
- to prevent the election officials' performance of their duties
- to observe or give assistance to voter who is entitled to assistance
- to use any electronic recording device
- to wear or distribute any campaign materials
- to take photos or record videos

POLL WATCHER MUST WEAR THE BADGE PROVIDED BY THE SHELBY COUNTY ELECTION COMMISSION WHICH HAS THEIR NAME AND ORGANIZATION'S NAME WHILE AT THEIR ASSIGNED POLLING LOCATION.

The Shelby County Election Commission will create and provide a schedule for Nursing Home Early Voting. The same rules apply in Assisted Living, Nursing Home, and Care Home as in early voting sites.

ABSENTEE PROCESS

Poll Watchers may be present during the counting of the Absentee/Early Voting Ballots. Poll Watcher requests must be submitted by NOON, two days before the poll watcher will be present at the requested site. Absentee Ballots will be opened and counted at the Election Operations Center, 980 Nixon Drive, Memphis, TN, 38134 on **Tuesday, March 14, 2023**, beginning at **4:00pm**. Absentee Results will be released upon completion or after the last voter has finished voting, whichever is later.

GATHERING OF RESULTS AT THE PRECINCT ON ELECTION NIGHT

Each candidate, the media, and any organization of citizens interested in the candidates on the ballot, may have a representative present at the polling place **after the polls close**. No appointment or notification is required for an individual to be present. The Officer of Election is in-charge of the precinct and individuals should speak to him/her about their purpose for being present.

At the appropriate time the polling location Judge, in the presence of watchers and others who are present, shall run the election results paper tape. One paper tape summary shall be posted on the precinct wall for each of the voting machines. The Officer of Election will allow individuals to examine the results of the paper tapes posted on the wall. (TCA § 2-7-104(d))

PAPER/PROVISIONAL BALLOTS

The Paper/Provisional Ballots will be opened, and the counting process will begin at the Election Operations Center, 980 Nixon Drive, at 11:00am, Wednesday, March 15, 2023.

CAMPAIGN SIGNS

Enclosed is a copy of the sign policy for 157 Poplar Ave., which describes where campaign signs may be placed. **Please read the included campaigning and sign policies for polling locations**. Also, please visit our website at ElectionsShelbyTN.gov for sign ordinances of the appropriate Shelby County town or city.

If you have any questions, please do not hesitate to contact the Shelby County Election Commission at (901) 222-1200.

Respectfully,

Linda Phillips
Administrator of Elections
Shelby County Election Commission
157 Poplar Avenue
Suite 137
Memphis, TN 38103
(901) 222-1202
www.ElectionsShelbyTN.gov

Poll Watchers – Frequently Asked Questions

(Reference: T.C.A. § 2-7-104)

I. Who May Appoint Poll Watchers?

- A. Each political party - Political Party means an organization which nominates candidates for public office.
- B. Each candidate in a general or primary election
- C. Any citizens' organization interested in a question on the ballot
- D. Any citizens' organization interested in preserving the purity of elections and in guarding against abuse of the elective franchise

II. How Many Poll Watchers May be Appointed?

- A. Political parties may appoint two (2)
- B. Each candidate may appoint one (1) or more (Although multiple poll watchers may be appointed, only one (1) of the poll watchers may be in a polling place at any given time.)
- C. Each citizens' organization may appoint two (2)

III. How Are Poll Watchers Appointed?

- A. Appointments must be submitted to the county election commission
- B. Appointments must be written and signed by the appointing authority
- C. Appointments may designate the same person to serve in more than one polling location

IV. To Which Locations May Poll Watchers be Appointed?

- A. Early Voting
 - 1. County election commission office; and/or
 - 2. Satellite location(s)
 - 3. Nursing home(s)
 - 4. Penal institution(s)
- B. Election Day
 - 1. Polling site
 - 2. Absentee counting board

V. When Must Appointments be Made?

A. Early Voting

1. No later than 12:00 noon two (2) business days before the first day of early voting; or
2. No later than 12:00 noon two (2) business days before the poll watcher will be present at the early voting site

B. Election Day

1. Appointments must be submitted no later than 12:00 noon two (2) business days before the election

VI. Who May Not be Appointed as a Poll Watcher?

- A. Anyone who will be or who is a candidate for an office on the ballot
- B. County election commission members

VII. What Must Poll Watchers Do Upon Arriving at the Polls?

- A. Upon arrival at the polling place, a poll watcher must display his appointment badge to the Officer of Elections.
- B. The poll watcher shall sign the poll watcher register.
- C. The poll watcher shall wear a badge displaying their "name" and the words "POLL WATCHER". The County Election Commission will provide the badges (labels) for candidates or campaign committees ensuring the precinct officials know they have been duly appointed.

VIII. What May Poll Watchers Do?

- A. Watch and inspect performance in and around polling place
- B. Speak to the Judges and the Officer of Elections
- C. Through Judges, challenge voters
- D. During preparation and certification, inspect the poll lists
- E. Inspect the ballots while being called and counted
- F. During preparation and certification, inspect the tally sheets
- G. Present a protest of any aspect of the conduct of the election to the Officer of Elections, County Election Commission or Inspector

IX. What Poll Watchers May Not Do?

- A. Interfere with any voter in preparing or casting voter's ballot
- B. Prevent election official from performing his or her duties
- C. Inspect signature lists during the election hours
- D. Observe the giving of assistance to a voter
- E. Wear campaign material of any kind during the performance of his or her duties
- F. Exit the room of the counting board after the actual counting of ballots begins until completion of the counting and the polls close.
- G. Possess electronic devices when observing the duties of the absentee counting board
- H. Speak to the voters; this includes greeting the voter or standing in the doorway where the voter enters
- I. Take photos or videos of voters while voting or while inside Polling Location.

X. May Poll Watchers Engage in Campaign Activities?

- A. In the polling place - **NO**
- B. Outside the 100' boundary – **YES**

NOTES:

- *After removing the poll watcher badge or credentials, the Poll Watcher may engage in campaign activity outside of the campaign free zone.*
- *Once the poll watcher resumes his or her duties as a poll watcher, any and /or all campaign activity must cease.*

POLL WATCHER ACTIVITY CHART

- Poll watchers may be appointed by each political party; each candidate in a general or primary election; any citizen’s organization interested in a question on the ballot; and any citizen’s organization interested in preserving the purity of elections and in guarding against abuse of the elective franchise;
- Poll watchers may be appointed at whatever location where voting occurs; and
- Poll watchers must be appointed no later than 12:00 noon two (2) business days before the day of voting.

| PERMITTED ACTIVITIES | PROHIBITED ACTIVITIES |
|--|---|
| <ul style="list-style-type: none"> ✓ Watch and inspect performance in and around polling place ✓ Through judges, challenge voters ✓ During preparation and certification, inspect the poll lists ✓ Inspect the ballots while being called and counted ✓ During preparation and certification, inspect the tally sheets ✓ Present a protest of any aspect of the conduct of the election to the officer of elections, county election commission or inspector | <ul style="list-style-type: none"> ✗ Interfere with any voter in preparing or casting voter’s ballot ✗ Prevent election official from performing his or her duties ✗ Observe the giving assistance to a voter ✗ Wear campaign material of any kind during the performance of his or her duties ✗ Engage in any campaign activity within the 100’ boundary ✗ Exit the room of the counting board after the actual counting of ballots begins ✗ Possess electronic devices when they are observing the duties of the absentee counting board. ✗ Photographs and videos are prohibited |



Shelby County Election Commission

Poll Watcher Appointment Form

Date: _____

To the Shelby County Election Commission:

I hereby appoint the following to serve during *Nursing Home* *Election Day* as a poll watcher(s) for the
(MUST COMPLETE A SEPARATE FORM FOR EACH SELECTION)

March 14, 2023 Special General Election at the following location(s):

| Appointee(s) | Location 1 | Location 2 |
|--------------|------------|------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

REMINDER: Each candidate may appoint one (1) or more. (Although multiple poll watchers may be appointed, only one (1) of the poll watchers may be in a polling place at any given time.)

Candidate Information:

OR

Political Party or Organization Information

Candidate's Name (Printed)

Party Chair / Representative of Organization's Name (Printed)

Candidate's Signature

Party Chair / Representative of Organization's Signature

Title of Office Sought

Political Party / Organization's Name

Contact Information of the Appointing Authority:

Name

Street Address City, State and Zip Code

Phone Number E-Mail Address (Optional)

TO AVOID DELAY, PLEASE COMPLETE THE BOX →

HOW WOULD YOU LIKE TO BE NOTIFIED ONCE BADGE(S) ARE READY?

Email
 Phone

WHICH LOCATION WOULD YOU LIKE TO PICK-UP YOUR BADGE(S)

Downtown Office (157 Poplar Ave. # 137)
 East Office (980 Nixon)

Campaign Sign Policy

157 Poplar Avenue

Campaign Signs may be placed at the Shelby County Election Commission Offices **only** when that facility is being used as an early vote location. Campaign signs may be placed no earlier than the Saturday prior to the start of Early Voting and must be removed by the first Sunday after Election Day.

As per TCA § 2-7-111 (b) (1), no sign may be closer than 100 feet to the entrance doors to the building. Stakes or tape will mark the 100 ft. boundary.

Signs may be placed in the grassy area at the corner of Poplar and 2nd Street; however, no sign in that area may be more than 16 square feet in size and may not be taller than 40 inches off the ground. (This area is designated as Zone A in the attached map.) These restrictions are for the safety of pedestrians and motorists.

Signs larger than 16 square feet or taller than 40 inches may only be placed in the area designated as Zone B on the attached map.

No signs may be placed on the paved areas. Signs may not be attached to the retaining wall around the property.

A copy of this policy will be distributed to candidates on the ballot for each election.

The next page is an aerial view of 157 Poplar. The areas marked in silver are within the 100 ft radius; no signs may be placed in that area.

Candidates wishing to place signs on private property must have the permission of the property owner.

