

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
December 17, 2014

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on December 17, 2014 at 4:00 PM at the Election Operations Center, 980 Nixon Drive. Commissioners Nollner, Lester, Stamson, and Tate were in attendance. Chairman Meyers was absent as he was in court. Commissioner Nollner presided over the meeting.

Meeting was called to order by Commissioner Nollner at 4:00 P.M.

APPROVAL OF NOVEMBER 24, 2014 COMMISSION MEETING MINUTES

Commissioner Lester moved to approve the November 24, 2014 Commission meeting minutes. Commissioner Stamson seconded. The November 24, 2014 Commission meeting minutes were approved.

IT UPDATE ON REPLACEMENT OF ELECTION MANAGEMENT SYSTEM SOFTWARE

Mr. Young reported that the RFQ has been distributed for a consulting firm to provide guidance on creating specifications for the new voter registration system. The insurance assessment was done prior to the RFQ being distributed. Timelines would include January 9, 2015 as deadline for all prospective vendors to submit questions in writing to purchasing regarding the RFQ. January 16, 2015 4:00 CST is the deadline for companies to submit their qualifications in writing to the purchasing department. Previously, there had been discussions regarding the GEMS replacement server being a capitalized expense. It is not. By contract, we can obtain an upgraded version of GEMS for a more current windows operating system. We will need to buy computers to run the upgrade. There were approximately 9 companies that received the RFQ. The list can be found on the Shelby County Website. AOE Holden offered that a list of the companies could be supplied to the Commissioners. Commissioner Lester asked if any of the companies were local and Mr. Young clarified that they were no local companies qualified. Commissioner Lester also asked if the consultants had to be approved by the state and Mr. Young answered that they did not have to be approved by the state. It was also explained that the company chosen to be a consultant to develop the specs for the RFP for a new voter registration system will not be allowed to bid on the RFQ to provide the new voter registration system. Commissioner Lester asked for clarification of dates and Mr. Young explained further that any questions submitted by the proposed vendor in writing to purchasing by January 9, 2015 must be answered and posted on the County website by January 11, 2015. Commissioner Lester asked if once we proceeded with the purchasing of a voter registration system, would we then request HAVA funds? Mr. Young explained that these were not HAVA related expenses and that HAVA funds were available only for new voting machines. Commissioner Lester asked if the County was helping with the funding and asked further when we needed to present the request for funds to the County Commission and Mr. Young responded that had already been done. \$200,000 has been set aside for the consultant fees and \$1,000,000 set aside for the actual purchasing of the new system. Commissioner Nollner expressed some concern that any questions the proposed companies might have were being directed to purchasing. Mr. Young, Mr. Holden and Commissioner Stamson explained that purchasing would contact the Election Commission for any direction in answering technical questions but it is the county's policy that the Election Commission have no communication with the prospective vendors. Once a consultant is chosen, meetings of discovery with stakeholders will take place to develop the list of criteria for a new voter registration system. AOE Holden summarized that during the 1st

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month of the year a consultant would be chosen and then over the next several months, that consultant would work with the Election Commission to develop the list of criteria that a new election management system would need to properly interface with our current equipment and software needs to develop a list of specs for the RFP. Additionally, there is someone from IT involved in this process. The \$1,000,000 is more like a placeholder in the budget until it is determined exactly what will be needed.

VCS/HR COMMITTEE REPORT – ATTACHED

Given by Commissioner Stamson

OPERATIONS AND TECHNOLOGY COMMITTEE REPORT – ATTACHED

Given by Commissioner Nollner

ATTORNEY’S REPORT

Attorney Ryder reported a judge is still being sought in the Joe Brown election contest case. All of the chancellors have recused themselves. The case is being circulated among the circuit court judges.

FY16 BUDGET UPDATE

Mr. Holden explained that a draft of the FY16 budgets had been included in the Commissioners folder. There were four separate budgets included:

800901 – Admin

800907 – Special Election

800905 – October Election

800903 – March/May Election which would be the 2016 Presidential Preference Primary

These are preliminary working budgets for the Commissioners to study and discuss before they are submitted to the budget department.

Commissioner Lester questioned if the individual department managers were included in budget considerations for their portion of the budget. Mr. Holden explained that budgets are created by the Election Commission staff on a team basis but separated more by the type of budget i.e., specific election types, vs. specific Election Commission departments. Commissioner Lester also asked if we will be having a meeting to discuss the budget. Mr. Holden responded affirmatively.

Commissioner Nollner asked where the money would come from should Special Elections arise. Mr. Holden explained that when that occurs, we take the resolution from the governing body requesting the election and then the Election Commission will take a resolution before the County Commission requesting the funds to cover the Election Costs. In Special Elections, Election costs will be billed back to the governing body for the election.

Fiscal Year 2016 is actually July 1, 2015 – June 30, 2016.

Commissioner Tate brought up paying Election Officials more money. Temporary workers are currently paid \$13.76.

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To increase that Election Day pay, the Election Commission would have to approve that increase in a budget and then request that increase, with justification, before the County Commission.

Mr. Holden then further explained that there are two forms of pay: temporary election workers (primarily Early Voting workers) that are paid \$13.76 per hour and officers are paid \$14.28 - which is based on the current living wage for temporaries by the county. Election Day poll workers are paid a flat fee for Election Day.

Commissioners discussed that the pay rate be increase to help recruit better workers. Commissioner Nollner felt that the Officers pay definitely needs to be increased. Commissioner Stamson requested that everyone look over the budgets and move discussion to the next committee meeting.

GENERAL CONCERN AND SUGGESTION FORM

Commissioner Nollner has spoken with Attorney Hagler and Commissioner Nollner made all of her recommended changed except the highlighted question "When did you last vote?" Mr. Ryder said he and Ms. Hagler has spoken and did not see why that question was relevant. Commissioner Nollner explained she felt it was more information. It was the consensus that it should be taken out. A flow chart for the form was also distributed (attached).

Commissioner Stamson voted to approve the General Concern and Suggestion Form without the highlighted sentence "when did you last vote, before this election". Commissioner Tate seconded. The form was approved with Commissioner Lester abstaining.

ANNOUNCEMENTS

Mr. Holden informed the Commissioners that the City of Lakeland's legislative body passed on ordinance to issue \$50 million in bonds to build a school. Per TCA 9-21, the residents opposed to the issuance of those bonds have 20 days from the publication of the notice in the newspaper (which ran 12/16/14) to issue a petition and obtain signatures from 10% of the registered voters (8,272) which would be 827 signatures. They must deliver the signatures to the City of Lakeland by January 5, 2015. Once the petitions and signatures are delivered to the Election Commission, we will have 15 days to validate and certify the number of registered voter signatures. Once we validate the signatures, we will notify the City of Lakeland as to whether the 827 signatures were validated. If enough signatures are valid, they will then determine if this issue will be on the ballot in the already scheduled election in September or whether to hold a Special Election. Should they decide to hold a Special Election on this issue, Lakeland would issue a resolution to the Election Commission to hold a Special Election and we would have 45-60 days to hold election. Lakeland has been informed that a Special Election would cost approximately \$50,000.

Commissioner Lester addressed the issue of the four election officials that had appropriate documentation to remove their names from the election officials to be used in upcoming

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elections and that the Commissioners had approved not hiring the four officials but had not signed anything. Commissioner Stamson added that the actual vote on that matter had been moved to today's board meeting. The two Republicans were Nell Wales and Virginia Johnson and the two Democrats were Ellis Burns and Katherine McLaughlin. Commissioner Nollner asked if there were any comments or questions. Mr. Holden pointed out that a few years ago Ms. Wales and her husband and the Election Commission went to mediation over an EEOC complaint filed based on alleged comments made by staff regarding the Wales' age and ability to do the work. The result of the mediation was that we would offer them the opportunity to come to training class and be observed and evaluated on their ability to do the work for all future elections. Commissioner Nollner read the evaluations from election day. Commissioner Lester stated being the weakness was noted in training yet we released employee to work we could be challenged as to why she was released. It was agreed that had the negative evaluation been acted upon during training it would have precluded Ms. Wales from working at an actual site. It was agreed to further review this employee.

Commissioners Stamson and Nollner voted to put Virginia Johnson on the Republican "do not hire" list and to further review Ms. Wales. Commissioners Lester and Tate voted to put Ellis Burns and Katherine McLaughlin on the Democratic "do not hire" list.

Next Committee Meetings:

Ops/Tech Committee Meeting – January 7, 2015 at 4:00 p.m.

VCS/HR Committee Meeting – January 7, 2015 at 4:30 p.m.

Next Regularly Scheduled Board Meeting:

Wednesday, January 21, 2015 at 4:00 p.m.

ADJOURNMENT

Commissioner Stamson moved to adjourn the meeting. Commissioner Lester Seconded. Meeting was adjourned at 5:10 p.m.

Others in attendance:

Rich Holden, Administrator
Joe Young, Deputy Administrator
Dan Dow, VCS Manager
Pam Crosno, Staff
Carlos Bibbs, Attorney
John Ryder, Attorney
Suzanne Thompson