

SHELBY COUNTY ELECTION COMMISSION  
REGULAR MEETING  
March 19, 2014

The Regular Meeting of the Shelby County Election Commission was held on March 19, 2014 at 4:00 PM at the Election Operations Center, 980 Nixon Drive. Commissioners in attendance: Chairman Robert Meyers, Commissioners Lester, Nollner, Stamson and Tate in attendance.

Meeting was called to order by Chairman Meyers at 4:04 PM.

**RECONSIDERATION OF CANDIDATE FOR COUNTY COMMISSION DISTRICT 6, EDITH ANN MOORE**

Chairman Myers stated the Election Commission has a serious concern about the candidacy of Ms. Moore as it relates to her residency based on information that was potentially made public after the election commission certified Ms. Moore at the last meeting. He believes that in the best interest of the community that we revisit this particular issue and determine whether there are facts and circumstances that should have been considered at the previous meeting.

Commissioner Tate moved to reconsider the certification of Ms. Edith Moore candidacy for County Commission District 6. Commissioner Nollner second. Discussion followed. Ms. Lester stated that since she recused herself on the initial hearing, as advised by the attorneys, she will be also recusing herself for this hearing as well. Motion approved.

Attorney Cedric Wooten asked being that this matter was undertaken two weeks ago on March 5<sup>th</sup> and at that time there was no complainant that appeared any information presented by his client or himself was out of the spirit of cooperation and would like to know what was the legal basis for revisiting this matter? Chairman Meyers stated that our legal basis is the Election Commission continuing duties to make sure that candidates are qualified for the positions and certified for the ballot. He further stated that since this ballot has not been issued at this time that gives them the opportunity to revisit this issue to make sure the candidate is properly certified based on the County Commission Charter Rules.

Chairman Meyers asked guests who were speaking against Ms. Moore's candidacy to come forward. The following guests appeared before the Commission to address issues and concerns that they had regarding Ms. Moore's residency on Gladstone Street in County Commission District 6.

- Jim Sellers, 3420 Gladstone Cove, member of the Gladstone Association. Under sworn testimony stated that he has witness Ms. Moore at the home during the day but not at night. Stated that Ms. Moore was at a function at the Raleigh Community Center and she stated to him that she was going to turn the house into a care home which he felt that type of business would disrupt the family flow of their community.
- Elbert Lord, 4263 Gladstone St. Under sworn testimony, stated that this house at one time was a care home; neighborhood had problems with people walking up and down the street creating problems from that home. The home has been abandoned for several years and had not seen anyone in that house until mid-February this year. He was invited in by man who was working at the home and saw where changes were made to the interior but no furniture. He did get a chance to catch Ms. Moore there and asked her why was she doing this and she told him that it was political.
- Deborah Ballard Wilson, 4301 Gladstone St, lived at her address for twenty years, *next door to* Ms. Moore's house. Under sworn testimony stated that the last time someone had lived in that house was in 2006. Began seeing work done on the home around February. Have not seen Ms. Moore spend the night there but have seen her in the daytime.

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- Melvin Harris, 4282 Gladstone. Under sworn testimony, stated that he observed Ms. Moore moving into the home a mattress, and a desk about a month ago.
- Wanda Gill, 4286 Gladstone, has not seen Ms. Moore live at that house but saw her moving furniture into the home.
- Willie Brooks, resident of the Raleigh Community, stated that he was speaking as a concerned citizen. Reported that he was the one who notified Commissioner Lester as well Mr. Holden regarding his conversation with the neighbors in the community that the house was uninhabited. He further stated that he had an opportunity to go by the address and the house was boarded up.

*Those opposing Ms. Moore's Candidacy:*

- Attorney Wooten stated that Ms. Moore's defense and by her previous testimony her intent is to make it her home like she stated on March 5, 2014. He feels that the guests today are concerned about what type of home it will be. Tennessee Code annotated 2-2-122, the residence of a person is that place which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return. As they stated at the last meeting, Ms. Moore has utilities, pays taxes on the property and had the utility bill with her. Stated that she was staying with someone else during the night.
- Attorney Larry Moore provided utility bill, water application, and gas request application. He stated that the gas application was not approved until day after the hearing on March 5. He stated that Ms. Moore has not stayed there at night because it was too cold but her intent is to live there. Numerous works done on her part at the home.
- Attorney Wooten wanted it to be reflected in the record that he wanted to file an objection that if Commissioner Lester recused herself from this matter then her conversing with Commissioner Tate is in fault. Commissioner Tate stated that he won't ask her anymore questions but questioned why the utility bill shows that it goes to another location, and the Driver license renewal application has a different address?
- Attorney Wooten stated that once Ms. Moore gets everything prepared and moves into the home then she will change everything. He stated as he did at the last meeting that prior to the certification deadline for some period of time Ms. Moore actually spent the night at that house. Because of the gas leak, she could not live there but her position is that she has lived there and plans to return once the house is ready.

*Staff information provided to Commission:*

Mr. Holden provided documents from the state, applications for TN driver's licenses dated August 23, 2013 and January 27, 2012, Equifax from July 2007 and a copy of driver license.

*District Attorney Office Investigation:*

Chairman Meyers stated that because of the serious concerns and issues that were raised that they had asked the district attorney general to conduct an investigation.

Sgt. Bradley Lest was assigned to the investigation to look into the residency requirement for Ms. Edith Moore. Sgt. Lest stated under sworn testimony, that he ran multiple reports including MLGW, canvassed the neighborhood and went to all of the active utilities addresses for Ms. Moore.

- 1856 Waverly, Jane Yates, February 2012 began paying rent to Ms. Moore and she continues to live there and pay rent. Ruled that out as being an address where Ms. Moore lives.

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- 1654 Beacon lane, house was vacant, windows knocked out appears that no one has been there for at least 6 months.
- 3108 Mensa, spoke to neighbors in that area they confirm that it appears to be Ms. Moore's primary resident. Neighbors have seen her come and go there very frequently in a brown jeep. Ms. Moore filed a police report called against one of the neighbors on their animal.
- 4307 Gladstone spoke with several neighbors who states that the house has been vacant for the past 10 years, first of January or February they began to see activity at this house, 2 to 3 week furniture appear to be added to house. Began seeing Ms. Moore about a month ago. Ms. Moore filed a police report February 2014 stated that it was a rental property and it had been vandalized. 4307 Gladstone, nominating petition affirming that it's her address, dated 1-3-2014.
- Spoke with MLGW investigator and reviewed the records for the 3107 Gladstone address and Ms. Moore acquired the property by a quick claim deed in 2011.
- 1-13, 2014 electricity turn on and bill is sent to 3108 Mensi.
- 3-6-2014 gas inspection failed due to the gas leak and being off since 2006. Gas inspection completed now and bill requested to be mailed to 4307 Gladstone
- 4307 address on Voter registration card
- Vehicle registered at Mensa address.

Sgt Lest stated that his conclusion is that based on his investigation and everything that he found in his investigation points to the facts that Ms. Moore currently resides at 3108 Mensi.

*Attorney's Rebuttal.*

Attorney Wooten stated that Ms. Moore's intent is to move back into her home. Attorney Moore stated that she has lived there; she's coming from her previous address to 4307 Gladstone which did not meet code due to the gas leak. She's making repairs at 4307 Gladstone and asked that the charges be dropped and she continues with her candidacy.

Monice Hagler, Assistant County Attorney, stated that the reason that the commission is entertaining this matter because as a matter of duty you must determine that when a petition is filed and the individual swears on their petition for nomination that they are a resident of that area or that place that in fact is true. What the commission does is check the records which reflected that at the time of submission was in fact Gladstone address. It was brought to the commission that there were other factors that might indicate that Ms. Moore did not live at that address and therefore the commission had to entertain this matter. The state coordinator advised the election commission that because of the level of information that has been provided in public records that we are commanded to review this matter which we had done. The commission has heard all of the facts presented by both parties, neighbors, and an independent investigator and explained to the Commissioners that she believes that the relevant statutory provisions that addresses this issue is the Tennessee Code 2-2-122(a)(3) a person does not become a resident of a place solely by intending to make it the person's residence. There must be appropriate action consistent with the intention. In this instance the evidence that you have to review is you have to make the determination in this instance that action is consistent with the intention to actually become a resident as of the date of the petition which was 2-18-2014.

Commissioner Tate moved to decertify Ms. Edith Moore as candidate in County Commission District 6 race, based on the information that was presented today. Commissioner Stamson second.

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Discussion followed. Meyers asked the Commissioners if they would like to state their reason why they are against or for the motion. Commissioner Stamson stated that he did not think that Ms. Moore has ever lived at 4307 Gladstone he believes that she does not intend to live there. Commissioner Nollner stated that on the police reports she told the officer that the last time she had been at the rental property was January 6, 2013 and it was her rental property. Chairman Meyers stated that he is persuaded by the TCA 2-2-122(a)(1) and (3) and some of the facts and information that was gathered today it appears that there is a serious question about whether the Mensa or Gladstone address is her residency. He does believe that Ms. Moore intent is to live at Gladstone property but she had not completed that moved or changed her residency on or before the qualifying deadline for petitions because of the statements she made to the police department on February 1, 2014. Motion approved unanimously. Commissioner Lester recused herself earlier.

Chairman Meyers stated that he would like to thank the District Attorney Investigator, Sgt. Bradley Lest for his very thorough and impartial investigation. He also wanted to thank the community for coming out and participating and Ms. Moore for her patient and her lawyers for making a compassion and concise and logical case.

**DISCUSSION/APPROVAL OF MINUTES FROM JANUARY 22, 2014, REGULAR COMMISSION MEETING, FEBRUARY 27, 2014 REGUALR COMMISSION MEETING AND MARCH 5, 2014 SPECIAL MEETING**

Commissioner Stamson moved to approve the January 22, 2014 minutes. Discussion followed between Commissioner Lester and Nollner regarding the Election Operations & Technology Committee Report Attachment. Commissioner Stamson withdrew motion and stated that January was misspelled and wanted Commissioners Lester and Nollner to get together to discuss changes if needed.

Commissioner Stamson moved to approve February 27, 2014 minutes. Commissioner Nollner second with amendment be added on page four that the handout be identified as Election Guide Handout. Motion approved unanimously.

Minutes discussed further. Commissioner Lester asked that Ms. Nollner send her attachment in advance. Commissioner Nollner moved that we had a study committee to develop bylaws, resolutions or something to have a clear understanding about what we are looking for in minutes. Commissioner Lester stated that she wanted to make clear that Commissioner Nollner's reports are sent to them in advance not during the meeting. Discussion followed. Chairman Meyers stated the reports are read during the meeting and any objections should be brought up then and if corrections are needed then they could be corrected at that time. Discussion followed. Chairman Meyers stated and it was agreed that future Committee report are submitted to Commissioners in advance and any changes needed to send back to Commissioner Nollner.

Commissioner Stamson moved to approve March 5, 2014 minutes. Commissioner Lester second. Nollner wanted to make sure her name is put on the top of the draft pages because she made several corrections to the minutes. Motion approved unanimously.

**DISCUSSION/APPROVAL OF RESOLUTION TO APPROVE EARLY VOTING LOCATIONS, DATES AND TIMES AND NUMBER OF PERSONNEL ASSIGNED TO EACH EARLY VOTING LOCATION FOR THE MAY 6, 2014 SHELBY COUNTY PRIMARIES ELECTION**

Commissioner Stamson moved to approve Resolution No. 05-03/2014. Commissioner Second

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Discussion was held regarding Early Voting location downtown. Mr. Holden stated that he would forward the law regarding early voting locations. Commissioner Stamson moved to approve Resolution. Commission Tate second. Motion approved unanimously. Resolution attached to minutes.

**ATTORNEY'S REPORT**

Attorney Monice Hagler presented the following report:

1. *Tigrett v SCEC*; this case involves a challenge to the dual majority requirement of the Tennessee Constitution. That provision requires the counting of ballots in a referendum on governmental consolidation separately for both the City and the County outside the city. Plaintiffs seek to have the ballots counted on a county-wide basis, rather than the present law which requires separate tallies for city and county. Judge Anderson granted the state's motion for summary judgment. The dual majority requirement was upheld.
2. District 4, Shelby County School Board Election - Kenneth Whalum, candidate who lost by 108 votes, has challenged the results of that election. Court issued an opinion finding that there should be a new election intervening. Defendant Kevin Woods, who was declared the winner of the election, has appealed. Oral argument is set for April 23, 2014. Since the new nine member districting plan approved by Judge Mays removes Rev. Whalum from district 4, Mr. Woods is moving to dismiss the appeal.
3. Shelby County Schools in Judge May's court. The case has been settled and dismissed. The change in the size of the School Board from seven to nine members has been approved by Judge Mays.
4. *Tomasik vs. Goins*—Plaintiffs were awarded \$26,000 in attorney fees, which the Shelby County Election Commission is dividing 50/50 with the state.

**ADMINISTRATOR'S REPORT**

Mr. Richard Holden presented the following report:

- SCES has adopted a standard list of office titles which are to be used on all petitions issued. The petitions issuing and filing process continues with SCEC posting the listing and PDF copies of the petitions to the website. ESM vendor is working to create the necessary reports for web posting with reduced steps which will also improve accuracy.
- Voting machine technicians and assistant voting machines technicians have completed upgrading the firmware in all 670 EPBs with the latest TN State Election Commission approved version.
- Supplemental High School Registration is in progress. Total number of applications submitted thus far is 1227 with all applications received from those eligible to vote in May processed and the voter registration cards mailed. Approximately three-quarters complete with the project. The plan is to complete by the end of March.
- TACEO bill SB 1715/HB 1523 anticipated to be voted on March 30, 2014. Bill summary has been mailed to Election Commissioners of this primarily housekeeping bill this year.
- Shelby County School Board is scheduled to have seven members elected in August 2014, District 1, 3, and 5 through 9. District 2 and 4 will be on the August 2016 ballot.
- The Shelby County School Board map has been published to [Shelbyvote.com](http://Shelbyvote.com). A notice and map will be published in compliance with election law.
- By the end of March, SCEC will complete the mandated purge of voters who have remained inactive for two November Federal General election cycles. Also will be moving to Inactive voter status those voters who have had no activity for two November Federal General election

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cycles in compliance with NVRA election laws. CD's of those purged voters will be provided to both party chairmen.

- ES&S continues to provide support and ongoing communications in preparation for Shelby's 2014 election cycle. May 7, 2014 ballot is completed and will be modified as needed based on Board actions. Military ballot will be mailed by March 22, 2014. Weekly calls and documentation of activities assures teamwork on the upcoming elections.

**ELECTION OPERATION/TECHNOLOGY**

March 5 Ops Tech Committee report presented by Commissioner Nollner.

CIO Halbert alerted the SCEC of a need to more closely monitor permanent absentee applications. The AOE has requested quotes from the vendor regarding a more automated process for this function. Vital statistics checks will eventually delete inactive applicants.

County ITS indicated that if the judge rules to go from 13 to 9 School Board districts, June 10 is the required completion date – that being said if the process had begun two days ago, they would still be behind. Understanding this dilemma, County ITS has undertaken steps off-system to speed the process. They are working on a more automated process with GIS which can then be transferred back to the voter registration system if the judge rules for the reduced districts. At this point, they do not want to change the already completed 13 school board district project.

Approval was given for the Ops Manager to hire three additional machine Techs. With the limit of 975 annual hours for temp workers, machine techs will only be used in that capacity. Additional techs will be hired to do other routine tasks.

Mark Rizzo and Marie Colston presented SOE election night reporting software for consideration.

Commissioner Lester reported she was extremely pleased with the current E.O. staff and had visited them to give training.

The TN Guiding Principles of Ethical Conduct for Public Officials was given to each commissioner for adoption consideration in an upcoming general meeting.

Replacement documents for the no-hire list were provided for consideration by Commissioner Lester.

Commissioner Nollner moved to accept staff recommendation of Martin Miller as a Republican assistant voting machine technician. Commissioner Stamson second. Motion approved.

**VOTER CANDIDATE SERVICE/HUMAN RESOURCES**

Commissioner Stamson reported that the Voter and Candidate Services and Human Resources Committee met on March 5, 2014. Ms. Perkins was absent with cause and Administrator Holden gave the report. There was a discussion on the statistical report and decided that each month they would receive a monthly report plus the previous year.

AOE report on Human Resources and stated that they were on track with the three (3) vacant positions- 2 Administrative Technicians and one (1) Clerical Specialist. He also stated that we were asking the Human Resources Department for five (5) additional positions.

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Discussed the two (2) quarters of voter registration applications for commissioners to review and decided that they would review them one hour before the next regular meeting.

Mr. Stamson further stated that they had a brief discussion concerning a 5% out of class pay for employees who were doing more than their job description required. We then moved to old and new business, Chairman Meyers provided information on opinion from the county attorney offices that our employees should be election commission employees and not Shelby County employees.

**NEW/OLD BUSINESS**

Chairman Meyers asked that the FindMyReps.com information provided by Mr. Berryhill during a presentation in February be added to the Committee folders for next month's meeting.

Commissioner Nollner asked that Election Guide be approved. Discussion followed. Attorney Halger stated that she would meet with Attorney Ryder to review guide and give feedback. Commissioner Stamson moved to approve the concept of the voter guide with stipulations stated. Discussion followed. Agreed to print 5,000. Motion approved.

Chairman Meyers directed the Commissioners to submit their items needed on the agenda in advance so they could be published in order to adhere to the Sunshine Law.

**ANNOUNCEMENTS**

Election Operations and Technology Committee Meeting, April 16, 2014, 3:00 PM  
Voter & Candidate Services & HR Committee Meeting, April 16, 2014, 4:00 PM  
Regular Commission Meeting, April 16, 2014, 5:00 PM

**ADJOURNMENT**

Without objection, meeting adjourned at 6:45 PM.

**THOSE PRESENT**

Richard Holden, AOE  
Joe We Young, II, Deputy  
Monice Hagler, Attorney  
Carlos Bibbs, Assistant City Attorney  
Albert Holmes, Staff  
Rosemary Barbee, Staff  
Kimberly Perkins, Staff  
Willie Brooks, Candidate  
Cedric D. Wooten, Attorney  
Larry Moore, Attorney  
Elbert Lord  
Juana G. Hill  
Freddie Hill  
Melvin Harris  
James Sellers  
Sgt. B. Lest  
Mickey Klenz

Item # 05-03/2014

Prepared by Albert L. Holmes

Committee Election Operations

Approved by \_\_\_\_\_

**RESOLUTION TO APPROVE EARLY VOTING LOCATIONS, DATES AND TIMES AND NUMBER OF PERSONNEL ASSIGNED TO EACH EARLY VOTING LOCATION FOR THE SHELBY COUNTY PRIMARIES TO BE HELD ON MAY 6, 2014**

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WHEREAS, The Election Operations committee approved twenty (20) satellite early voting locations in addition to the Election Commission office, located at 157 Poplar Avenue, Memphis, Tennessee, and

WHEREAS, The Election Operations Committee approved the dates and times for early voting as prescribed in Section 2-6-102 (a)(1) and 2-6-103 (a)(1), TCA, as follows:

**Downtown Early Voting Location: Shelby County Office Building, 157 Poplar Ave. 38103**

Beginning, Wednesday, April 16 through Thursday, May 1, 2014

Weekdays 10:00 AM to 7:00 PM

Saturdays, April 19, 2014 & April 26, 2014, 10:00 AM to 4:00 PM

Closed Friday, April 18, 2014, Holiday

**AND**

**Early Voting Satellite Locations**

Beginning, Friday, April 25 through Monday, May 1, 2014

Weekdays 10:00 AM to 7:00 PM

Saturday, April 26, 2014, 10:00 AM to 4:00 PM

Baker Community Center	7942 Church Rd. 38053
Dave Wells Community Center	915 Chelsea Ave. 38107
Glenview Community Center	1141 S. Barksdale St. 38114
Greater Lewis Street Baptist Church	152 E. Parkway N., 38104
Greater Middle Baptist Church	4982 Knight Arnold Rd. 38118
Mississippi Blvd. Church-Family Life Center	70 N. Bellevue Blvd. 38106
Mt. Zion Baptist Church	60 S. Parkway E., 38106
Raleigh U.M. Church	3295 Powers Rd. 38128
Riverside Baptist Church	3560 S. Third St. 38109
Shiloh Baptist Church	3121 Range Line Rd. 38127
Shelby County Office Building	157 Poplar Ave. 38103
The Refuge Church	9817 Huff N Puff Rd., 38002

WHEREAS, Five (5) early voting personnel, Two (2) computer workstations, and Four (4) voting machines and one (1) card burner machine are hereby approved to staff each satellite location listed below, appointed as prescribed in TCA Sections 2-4-102 and 2-4-105



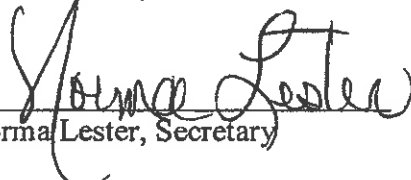
Agri-Center International  
Abundant Grace Fellowship Church  
Anointed Temple of Praise  
Bellevue Baptist Church  
Bethel Church  
Berclair Church of Christ  
Collierville Church of Christ  
New Bethel Baptist Church  
White Station Church of Christ

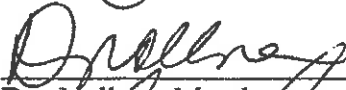
7777 Walnut Grove Rd. 38120  
1574 E. Shelby Dr. 38116  
3939 Riverdale Rd. 38141  
2000 Appling Rd. 38016  
5586 Stage Rd. 38134  
4536 Summer Ave. 38122  
575 Shelton Dr. 38017  
7786 Poplar Pike St. 38138  
1106 Colonial Rd. 38117

WHEREAS, Seven (7) early voting personnel, Three (3) computer workstations, and Six (6) voting machines and one (1) card burner machine are hereby approved to staff each satellite location listed below, appointed as prescribed in TCA Sections 2-4-102 and 2-4-105

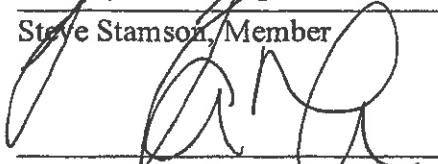
BE IT THEREFORE RESOLVED, That the Shelby County Election Commission hereby approves the Early Voting Location, Dates and Times and appoints the number of personnel needed to staff each early voting.

  
Robert D. Meyers, Chairman

  
Norma Lester, Secretary

  
Dee Nollner, Member

  
Steve Stamson, Member

  
Anthony Tate, Member

Adopted 3-19-2014

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Barbara Williams  
Bret Thompson  
Eugene Toy  
Rose Bradley  
Deborah Wilson  
Del Gill  
Judy Palmer  
Suzanne Thompson  
Bill Dries  
News Media

(Tape of entire meeting on file in the Election Commission Office)

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary