

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
MAY 17, 2016

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on May 17, 2016 at 4:00 PM at the Election Operations Center, 980 Nixon Drive.

Meeting was called to order by Chairman Meyers at 4:06PM. All Commissioners were present.

APPROVAL OF MARCH 21, 2016, APRIL 8, 2016 AND APRIL 19, 2016 MINUTES

March 21, 2016 Minutes

Defer to next meeting

April 8, 2016 Minutes

Commissioner Nollner moved to approve. Commissioner Stamson seconded.

Approved: Unanimously

April 19, 2016 Minutes

Commissioner Nollner amend to remove "General" from Post Master General and replace with Post Master Memphis or Post Master in reference to Post Master in Memphis not in Washington.

Commissioner Stamson moved to approve. Commissioner Nollner seconded.

Approved: Unanimously

WELCOME THE NEW AOE LINDA PHILLIPS

Presented by the Chairman

Action Items:

Chairman Meyers suggested possible publishing all public data to web.

ATTORNEY'S REPORT

Attorney John Ryder made the following report:

1. Halbert vs SCEC

Halbert Attorney filed an amended complaint. Some exceptions are being considered for a couple of items in the amended complaint. The amended complaint added new facts and new cause of action that were not originally plead. If the case log bars an amendment adding new elements to the case after the filing deadline for the complaint has passed, Mr. Ryder and his team are currently discussing this matter with the attorney for the plaintiff for a resolution. If they are unable to resolve, a status meeting with Chancellor Kyle is currently scheduled. Afterward, there will be some amount of discovery that will be allowed to be heard at a possible late summer scheduled hearing. Commissioner Tate: Is she seeking the same recourse? Attorney Ryder: She seems to be asking or a couple of different things. 1. Open access to a lot of the technical operation of the Commission that seems to be unrelated to the Election. 2. She should be declared the winner or it should be a new Election. Originally she seems to be just asking for a recount. Having the cards reread again and printed tapes match cards.

2. Lawsuit in Middle TN Ratification of Amendment 1

The District Judge in Nashville ruled in favor of the plaintiffs. Found that in order for Amendment 1 to have been counted, it would have had to receive both the minority of vote cast for Amendment 1 and the minority those voting for Governor. Only those that voted for Governor would be allowed to be counted toward that second minority in tallying of the ballots. That was not done in connection with that Election by any of the counties. Instead they total up the number of votes cast for the Amendment. If equal to 50% of the total vote cast for Governor then the Amendment passed. What

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the plaintiff is seeking is the range of votes from which the 50% can be determined, people who voted in the Governor race and on the Amendment. The District Judge ordered a recount of the ballots statewide. The State of TN is defending this action and has requested a stay pending appeal, arguing among other things that the burden on the Election Commission would be horrendous. The Election Commission would have to print out each ballot to identify how each anonymous voter voted. Affidavits and declarations were filed in support of the state motion by the Administrators in the largest counties included Joe Young as acting Administrator, pointing out the logistic difficulties to performing the recount with both the August and November Election this year. The State is seeking a stay recount until next year. They will also be appealing the decision. Chairman Meyers: A decision had been issued the day before by the State Circuit Court? Attorney Ryder stated: Circuit Court in Rutherford County in a similar lawsuit ruled that the ballots were handled properly. Although a federal suit was filed first. There is another law that says *Minnesota v. Grove* that indicated the Federal Court should defer to the State Court for any issues but that request was previously made to the District Judge but he denied the request. The request wasn't to certify, the question State Law Rule 23 State Court and he declined to do that so that will be going to Six Circuit Court. Meantime, we are waiting on a ruling for motion to stay the Judge in Nashville said May 26 as the date for the plaintiffs to respond to the State motion to stay. We will not expect a ruling until after May 26. Chairman Meyers: Worst case scenario, the motions to stay are denied and the court set a time table for us and the rest of the State to response? Attorney Ryder: Yes, that is correct. As you know, the application for a State appeal is made to the Trial Court that heard the case. If the Trial Judge turns it down, then that application can be taken directly to the Courts of Appeal. Commissioner Nollner: If we have to do it, who will pay for the recount? Attorney Ryder: The State will have to pay.

VCS/HR MANAGER'S REPORT (ATTACHED)

Given by Dan Dow
Discussion followed

Action Items:

- Commissioner Lester requested Mr. Dow and Mr. Young to confirm their plan with the State Coordinator Office to delay the recording of voter participation after the qualified signature for the petition has been met.

OPERATIONS MANAGER'S REPORT (ATTACHED)

Given by Darral Brown
Discussion followed

Action Items:

- Chairman Meyers and Commissioner Stamson suggested when planning for the August Election to keep in mind the 8th district and make adjustment to accommodate voter participation.
- Commissioner Stamson reiterated his request for all Absentee Ballot styles to be tested before distribution
- Commissioner Stamson reiterated his request for the Absentee counting board to start counting absentee ballot earlier
- Schedule an organization meeting
- Commissioner Nollner requested the work area where the operator is downloading the results on Election Night be block-off and other measures taken to minimize distraction for workers.

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- Commissioner Nollner requested signs be placed at the old polling location to inform voters of new polling location.
- Commissioner Nollner requested Mr. Brown verify all supplies are in blue bags are functional and accommodate Election Officials request when they are working at their assigned polling location.

DEPUTY ADMINISTRATOR'S REPORT (ATTACHED)

Given by Joe Young

Action Items:

- Commissioner Lester suggested changing the language from audit to quality review since in Watkins Uiberal and Banks, Finely, White & Co. has a disclaimer in their report stating "this is not audit".
- Commissioner Tate, Nollner, and Lester would like to know what Watkins Uiberal and Banks, Finely, White & Co. considers an audit. Commissioner Nollner requests that we make the public aware that two separate CPA firms review our election procedures.
- Commissioner Nollner requested Mr. Young update the Election Commission website. Place the Early Voting dates on the homepage, in the section left of the blue column.

NEW VOTER REGISTRATION SYSTEM UPDATE

Given by Mr. Young

Discuss followed.

FY17 AUDITOR'S RFP PROCESS

Action Items:

- Mr. Young will inquire about a contract extension or renewal. The two companies in question are Watkins Uiberal and Banks, Finley, Whit & Co.

OLD / NEW BUSINESS

- **Open Records Request From Carol Chumney Update:** given by Mr. Young

Action Items:

Chairman Meyers requested a log of all documentation that was and will be taken

Commissioner Stamson requested research to determine the documents that were taken in previous visit

Chairman Meyers requested Mr. Young to call Ms. Smith to inquire about the lawfulness of charging Carol Chumney for labor and supplies.

- **Homeless**

Action Items:

We need to create a plan on how we are going to proceed.

- Commissioner Lester inquired about retrieving tax exempt statement and pre-cut check for the hotel fees.
- Commissioner Lester verified the position availability. Discussion followed
- Commissioner Nollner presented the board a proposal to advertise on the wrap around/Spadea. Discussion followed.
- Chairman Meyers met with the Coordinator of Election. The Coordinator of Election wanted to express his gratitude to Mr. Young for all his help.
- Commissioner Lester requested the purchase of a microphone for the Chairman.

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ANNOUNCEMENTS:

The next Election Commission meeting is scheduled for Tuesday, June 14, 2016 at 4:00 p.m.

ADJOURNMENT

Meeting was adjourned

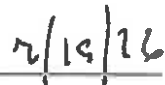
Others in attendance:

Joe Young, Deputy Administrator
Darral Brown, Operations Managers
Dan Dow, VCS Manager
Deborah Upchurch, Staff
Genine Taylor, Staff
Leonard Hopkins, ITS
Lee Wessels, ITS
Attorney John Ryder

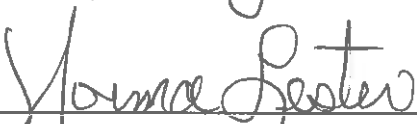
Attorney Pablo Varela
Attorney Monica Hagler
Attorney Bibbs
Suzanne Thompson
Joe Gresham
Barbara Williams
Rose Ann Bradley
Mickey Klenz



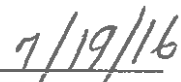
Robert Meyers, Chairman



Date



Norma Lester, Secretary



Date

Shelby County Election Commission

ROBERT D. MEYERS
Chairman

NORMA LESTER
Secretary

DEE NOLLNER
STEVE STAMSON
ANTHONY TATE
Members



(901) 222-1200
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RICHARD L. HOLDEN
Administrator of Elections

JOE WM. YOUNG, II
*Deputy Administrator
of Elections*

Voter and Candidate Services Monthly Report

May 2016 Meeting

Voter Registration Applications

During the month of April, we received approximately 13,500 voter registration applications. The backlog of new registrations at April 30, 2016 was approximately 4,900. Approximately 6,300 voter registration cards were mailed. Currently, we are receiving an average of 150 applications per day.

Other documents being processed are pending letter responses from deficient applications, address confirmations, and the state reports for deceased voters, duplicate social security numbers and felons.

Supplemental Voter Registration – 2016

Supplemental Voter Registration was completed in early April 2016. We visited 71 schools and received 3,133 applications, compared to 3,214 in 2015. The processing of these applications is underway and should be complete by the end of May.

Campaign Financial Disclosures

First quarter reminder letters and disclosure forms were mailed on April 4, 2016 to 16 candidates and 20 PACs. The CFDs were due on April 11, 2016 and to date, we have received 10 from candidates and 9 from PACs. Eleven certified reminder letters were mailed on April 19, 2016. A follow-up email was sent on April 29, 2016 and as of that date all required reports have been submitted with the exception of the following:

William Stovall
Kevin Woods
Sharon Fields

We will begin issuing nominating petitions on May 20, 2016 for independent presidential and municipal candidates for November.

Petitions – Issued and Filed for August 4, 2016 Election

One hundred petitions were issued; 74 were filed; and 64 had sufficient signatures by the filing deadline of April 7, 2016. Five candidates withdrew their candidacy by the deadline of April 14, 2016. The qualified candidates were certified by the Election Commission on April 19, 2016.

Shelby County Election Commission - Monthly Voter Services Report 2016													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2016 TOTAL
Applications Processing													TOTAL
Applications Received	5,611	9,671	7,824	13,535									36,641
Processed													
VR Card sent (Approved)	2,587	3,169	1,130	6,291									13,177
Declined (Ineligible applicant)	984	1,078	367	1,346									3,775
Backlog (To be Processed)	1,671	3,670	6065 *	4,900									10,241
Pending (Awaiting Voter Input)	369	1,754	262	998									3,383
Cancelled Voter Registrations	3,399	3,132	59	266									6,856
Restoration of Voting Rights	5	0	10	5									20
Registered Voter Status Change													
Inactive to Active Status	4,284	1,585	2,720	1,308									9,897
Active to Inactive Status	6,421	10	10	43									6,484

* Applications received after the registration deadline were entered into ESM and review and approval began on March 22.

Shelby County Election Commission – Monthly Voter Services Report 2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2015 TOTAL
<u>Applications Processing</u>													TOTAL
Applications Received	2,041	2,635	4,842	2,633	2,513	2,076	3,571	5,293	3,955	3,193	4,098	4,659	41,509
Processed													
VR Card sent (Approved)	1,132	1,797	2,507	1,620	1,694	1,396	1,283	3,816	1,969	2,930	1,223	2,310	23,677
Declined (Ineligible applicant)	174	410	397	322	284	368	287	791	453	506	299	401	4,692
Backlog (To be Processed)	545	30	97	245	202	290	1,740	0	190	263	1,611	1,573	6,786
Pending (Awaiting Voter Input)	190	427	1,841	446	333	307	261	686	1,343	1,155	965	375	8,329
Cancelled Voter Registrations	293	641	2,178	285	1,163	474	456	1,769	654	593	717	740	9,963
Restoration of Voting Rights	7	5	7	4	5	2	1	4	6	2	2	2	47
Registered Voter Status Change													
Inactive to Active Status	93	170	167	107	86	107	91	679	987	1,829	1,427	1,018	6,761
Active to Inactive Status	160	945	199	89	129	66	1,181	12,479	19,107	4,816	8,485	22,045	69,701

Shelby County Election Commission

ROBERT D. MEYERS
Chairman

NORMA LESTER
Secretary

DEE NOLLNER
STEVE STAMSON
ANTHONY TATE
Members



(901) 222-6821
FAX (901) 222-6811

RICHARD L. HOLDEN
Administrator of Elections

JOE WILYOUNG, II
*Deputy Administrator
of Elections*

Elections Operations Report

May 2016

Voting Machines Dept.

- Techs are preparing early voting TSX for L&A testing.
- Clearing memory card for upcoming election (we ordered an additional 500 memory cards)
- Early voting computers and printers are being tested.
- Updating training aid for temporary techs
- Setting up training room for EPB training and help desk support
- We need printers, EPB batteries, and TSX batteries (update).

Absentee

- Letters have been sent to nursing home to notify them of upcoming election.(scheduling visit).
- Responding to new absentee requests (requirements)
- Processing permanent absentee requests and military/UOCAVA requests
- Testing ESM 2010 (verifying reports and daily job tasks/election task)

980 Nixon Dr. * Memphis, Tennessee 38134

www.shelbyvote.com

Election Official Dept.

- Hired EV officers and trainers (training schedule is complete see)
- Crossing training Olivia Dobbins to assist Carla with EO duties (training, payroll, and staffing)
- Updating Job Aids and training material (including power points)
- Restocking Early Voting bags with supplies and forms
- Staffing for Early Voting and Election Day and verifying all temp staff is on payroll
- Testing ESM 2010(verifying reports and daily job tasks/election tasks)

Operations –

- Election Build pending items are block ranges update and verifying district splits.
- Updating Election Day polling sites information (contacts, building space, and parking)
- Early voting date signs (including signs for location changes) have been ordered and early voting locations are confirmed.
- Work Order submitted to I.T to check DSL lines at early voting sites and verify that Refuge Church is operational

Shelby County Election Commission EO Training

EO Class Size = 32; PC Class Size = 20; EV Class Size = 12

JUNE 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
	EV Testing EO Train the Trainer Workshop 9:00 am	EV Testing EO Trainer Read- throughs 1:30 pm & 6:00 pm	EV Testing EO Trainer Read- throughs 1:30 pm & 6:00 pm	EO & Ofcr Class Rehearsals 9:00am	EO Class Rehearsals 9:00am PC Class Rehearsal 1:30 pm	EO Class Dress Rehearsals 9:00am Will have 24 students
26	27	28	29	30		
	EO Class Dress Rehearsals 9:00am & 6:00 pm Will have 24	EO Class 9:00am Ofcr Class 1:30pm EO Class 6:00pm	EO Class 9:00am Ofcr Class 1:30pm EO Class 6:00pm	EO Class 9:00am Ofcr Class 1:30pm EO Class 6:00pm		

EO Classes are in Training Room A & B

EV Training is held in small Training Room C also used for Voter Services

JULY 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1 EV Ofcr Class 9:30am EO Class 9:00am	2 No Classes
3	4 CLOSED	5 EV Class 9:30 am & 2pm EO Class 9:00am Ofcr Class 1:30pm PC Class 6:00 pm	6 EV Ofcr Class 9:30am EV Class 2pm EPB Class 9:00am EPB Class 1:30pm EPB Class 6:00pm	7 EV Class 9:30am & 2pm EPB Class 9:00am EPB Class 1:30pm EPB Class 6:00pm	8 EV Ofcr Class 9:30am EV Class 2pm EO Class 9:00am EO Class 1:30pm	9 EV Class 9:30am EPB Class 9:00am
10	11 EV Ofcr Class 9:30am EV Class 2pm EO Class 9:00am EO Class 1:30pm PC Class 6:00 pm	12 EV Ofcr Class 9:30am EV Class 2pm EO Class 9:00am Ofcr Class 1:30pm EO Class 6:00pm	13 EV Class 9:30am & 2pm EO Class 9:00am EO Class 1:30pm EO Class 6:00pm	14 EV Class 9:30am & 2pm EO Class 9:00am EO Class 1:30pm EO Class 6:00pm	15 PC Class 9:00am PC Class 1:30pm EV Class 9:30am & 2pm	16 MAKEUP CLASSES EO Class 9:00am Ofcr Class 1:30pm EV TURN IN
17	18 PC Class 9:00am PC Class 1:30pm EO Class 6:00pm	19 <u>COMMISSION MEETING</u>	20 EO Class 9:00am PC Class 1:30pm PC Class 6:00pm	21 EO Class 9:00am Ofcr Class 1:30pm EO Class 6:00pm	22 PC Class 9:00am PC Class 1:30pm	23 MAKEUP CLASSES EO Class 9:00am
24	25 EO Class 9:00am EO Class 1:30pm EO Class 6:00pm	26 EPB Class 9:00am EPB Class 1:30pm EPB Class 6:00pm	27 EO Class 9:00am EO Class 1:30pm EO Class 6:00pm	28 EO Class 9:00am Ofcr Class 1:30pm Ofcr Class 6:00pm ZONE Class 6:00pm	29 EO Class 9:00am EO MAKEUP 1:30p	30 MAKEUP CLASSES EO Class 9:00am EV TURN IN
31	NOTES: Early Voting Period July 15 - 30 F:\ELEC\Business Files\Chuck\August 2016 EO Training					

Shelby County Election Commission EO Training Inspector Class Siz PC Class Size = 20 EV Class Size = 12

AUGUST 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 HOT LINE TRAINING 9:00am HELP DESK TRAINING 6:00pm	3 PICKUP DAY	4 ELECTION DAY	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	NOTES: Election Day is August 4		