

SHELBY COUNTY ELECTION COMMISSION  
SPECIAL MEETING MINUTES  
February 24, 2015

APPROVED

The Special Meeting of the Shelby County Election Commission was held on February 24, 2015 at 12:00 PM at the Election Operations Center, 980 Nixon Drive. All Commissioners were present, except Commissioner Lester who was absent with cause.

Meeting was called to order by Chairman Meyers at 12:03 p.m.

**RESOLUTION TO CALL LAKELAND SPECIAL ELECTION**

Administrator Holden reported that the SCEC had received Resolution 2015/02-05 from the City of Lakeland requested a special election on a question. Required by statute to hold that election not sooner than 45 nor more than 60 days after receipt of documentation. They have requested to hold the election on April 16, 2015 which fits within the timeframe. They have additionally requested that early voting be held within the municipality, based on a change in the law a couple of years ago that allows early voting to move from the Election Commission office to within the boundaries of the municipality. They requested hours be 8:00 a.m. – 6 p.m. each of the days March 27, 2015 – April 11, 2015. They requested early voting be conducted at the Lakeland Elementary School vs. the traditional early voting site of The Refuge Church on Huff ‘n Puff off Canada Road.

Both Al Holmes and Darral Brown, Operations management, reviewed both sites and gave the following report:

Lakeland Elementary School has offered the gym and that no students will be in the gym during the early voting period. There are adequate electrical outlets, has internet connection and adequate parking and handicapped parking. IT will need to further determine DSL capability. The bus turnaround area is away from the gym and should not affect voter parking.

The Refuge has parking in front of the church. There is some construction on Canada Road near Huff N Puff and has been told there is some traffic congestion. There are some lighting issues at The Refuge Church.

At Lakeland Elementary School the biggest concern is adequate signage as it can be hard to find. Also, IT will need to determine DSL connectivity availability. As The Refuge is a current early voting location it does have DSL connectivity. Both sites are available for the entire early voting period.

Operations would recommend Lakeland Elementary pending DSL connectivity speed.

Chairman Meyers acknowledged that there were several guests from Lakeland desiring to speak. He explained that he would allow anyone desiring to speak the opportunity but instructed all speakers to base their comments on facts and not personal or politically motivated opinions.

Mayor Wyatt Bunker and many concerned citizens voiced concerns regarding the location of early voting. At the end of the comments, it was fairly even that about half were in favor of the elementary school being the early voting site and half were not in favor. Many reiterated the issues stated by SCEC operations management.

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Attorney Ryder asked to speak and explained that the procedure for determining polling locations is covered under 2 statutes, TCA 2-6-112 and TCA 2-3-107.  
TCA 2-6-112. Satellite voting location -- Option not to have early voting.

(a) Upon the request of a municipality, for elections at a time other than the regular August or regular November election, the county election commission shall establish a satellite voting location for early voting within the corporate limits of such municipality. The municipality shall be responsible for the costs of such voting location.

(b) Upon the request of a municipality that has established a satellite voting location under subsection (a), the county election commission may choose not to have early voting at the county election commission office.

2-6-112(a) convers responsibility for selecting early voting polling locations to the Election Commission.

**TCA 2-3-107. Polling places -- Physical requirements -- Use of public buildings -- Rentals for private buildings.**

(a) The county election commission shall designate as polling places only rooms which have adequate heat, light, space and other facilities, including a sufficient number of electrical outlets where voting machines are used, for the comfortable and orderly conduct of elections.

(b) (1) The commission shall, insofar as practicable, arrange for the use of public schools and other public buildings for polling places on election day and during the early voting period.

(2) Upon application of the commission, the authority which has the control of any building or grounds supported by taxation under the laws of this state shall make available the necessary space for the purpose of holding elections and adequate space for the storage of voting machines without charge. A reasonable sum may be paid for necessary extra janitor service. If a state park is to be used as a voting location, the park must establish the site for the polling place at least one (1) year prior to the date of the election, and the location of the polling site within the park may not change without the consent of the county election committee.

(c) When polling places are established in private buildings, the commission may pay a reasonable rental.

This statute was interpreted in a case in Williamson County regarding a disputed early voting location for a special election and the court of appeals determined that this statute gives the sole responsibility for designating polling locations to the county election commission. Mr. Ryder further pointed out that 2-3-107(b) specifies to use public buildings, specifically schools.

Chairman Meyers requested a motion to call the special election and then a separate motion to determine the early voting site.

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Commissioner Nollner moved to approve Resolution 2/15-9-21-209 RESOLUTION TO CALL A SPECIAL ELECTION AS REQUESTED BY THE CITY OF LAKELAND PER RESOLUTION 2015/02-15 with the specification that there will be no early voting at the downtown Election Commission office. Commissioner Tate seconded. Motion to approve Resolution 2/15-9-21-209 RESOLUTION TO CALL A SPECIAL ELECTION AS REQUESTED BY THE CITY OF LAKELAND PER RESOLUTION 2015/02-15 with the specification that there will be no early voting at the downtown Election Commission office was approved.

Chairman Meyers expressed appreciation for the community input on this issue.

Commissioner Nollner moved that the Lakeland Special Election early voting site to be held at the Lakeland Elementary School. Commissioner Tate seconded. Commissioner Stamson proposed to have both sites open for early voting. Mr. Holden calculated that personnel for each early voting site would cost approximately \$10,000, which would be paid by the City of Lakeland. Commissioner Stamson chose not to make his proposal an amendment to the motion. The Early Voting Location for the Lakeland Special Election be set at Lakeland Elementary School approved.

Meeting adjourned at 12:53 p.m.

**Others in attendance:**

Rich Holden, Administrator  
Albert Holmes, Retiring Ops Manager  
Dan Dow, VCS Manager  
Darral Brown, new Ops Manager  
Pam Crosno, Staff  
John Ryder, Attorney  
Suzanne Thompson  
Richard Ely  
Alison Ely  
Stephanie Lefler  
Margaret Brown  
Nancy Hartz  
Ken Glazer  
Beverly Miller  
Ted Horrell  
Sherry Wells  
Kevin Floyd  
Krista Pearce  
Wyatt Bunker  
Chris Thomas  
Chris Patterson