

SHELBY COUNTY ELECTION COMMISSION  
REGULAR MEETING MINUTES  
June 16, 2015

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on June 16, 2015 at 4:00 PM at the Election Operations Center, 980 Nixon Drive. All Commissioners were present.

Meeting was called to order by Chairman Meyers at 4:05 p.m.

**APPROVAL OF May 21, 2015 COMMISSION MEETING MINUTES**

Commissioner Tate moved to approve the May 21, 2015 minutes and Commissioner Lester seconded. May 21, 2015 Meeting Minutes were unanimously approved.

**ATTORNEY'S REPORT**

Attorney Hagler – no report

Attorney Varela stated that in the Joe Brown suit there are two motions to dismiss in front of the special judge from Rutherford County. Hearing is set for the morning of July 20, 2015 and will take place in Shelby County. As requested by Chairman Meyers, the date, time, and location for the hearing will be sent to the Commissioners should they want to attend.

**OPERATIONS AND TECHNOLOGY COMMITTEE REPORT**

Commissioner Nollner recommended the precinct consolidation for the following precincts:

Precincts 79-08 into 79-01 and 78-03

Precincts 82-03 into 75-06

Precincts 82-01 into 75-07

Commissioner Nollner moved to approve the consolidation of precincts as outlined above.

Commissioner Lester seconded. Consolidation of Precincts 79-08, 79-01 & 79-03, Precincts 82-03 & 75-06, and Precincts 82-01 & 75-07. Consolidation of Precincts was unanimously approved.

For the upcoming elections, temporary employees will be hired with the knowledge there will be no overtime.

Working on completing the consolidation mailings with funds now available.

Training is ongoing for the new Voting Machine Tech

**VCS/HR COMMITTEE REPORT – VCS MANAGER REPORT ATTACHED**

Commissioner Stamson submitted the written VCS manager's report. Commissioner Stamson wanted to make a note of Commissioner Lester's concern about the timeline of letters being sent out regarding precinct consolidation and voter registration letters.

**ADMINISTRATOR OF ELECTIONS REPORT - ATTACHED**

Given by Mr. Holden.

City of Lakeland has been billed for the April 16, 2015 Special Election.

We have received written confirmation from both parties by the June 15, 2015 deadline as required in TCA 2-13 part 2. Both Shelby County parties have requested SCEC hold the County Primary in

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conjunction with the PPP on March 1, 2016. We have properly advised Tennessee Coordinator of Elections and BECF of the call for Shelby County Primary elections.

Election Commissioners need to meet to certify the candidates in the Arlington/Lakeland and Memphis elections.

**RFQ – UPDATE**

Commissioner Lester asked Deputy Young about funding for the project. Her understanding is that funds cannot be carried over and she has not seen anything in the EC budget or CIP request for the \$200,000. Deputy Young stated funds appropriated via County IT Department and their CIP protocol was different. Would not be reflected in our budget or impact the million dollar CIP system request previously approved. Further stated County Chief Information Officer had submitted necessary documentation and just matter of going before County Commission for approval. No problem anticipated.

We are on the agenda for the County Commission Meeting for approval for the vendor to help develop VR System Specs on June 17, 2015. Once approved, the Resolution will need to be signed by the Mayor.

**NEW/OLD BUSINESS**

Chairman Meyers acknowledged and welcomed County Commissioner Eddie Jones to the Election Commission Meeting.

Chairman Meyers has been approached by former County Commissioner Steve Mulroy regarding a resolution passed by the City of Memphis regarding Instant Runoff Voting. Mr. Mulroy inquired as to the status of this issue and Chairman Meyers recalled that we did not have the capabilities for that process. Mr. Mulroy has asked that we re-assess the capabilities. Mr. Holden has contacted the vendor and the state and is awaiting their input. As Chairman Meyers understands, if we are capable, we must provide Instant Runoff Elections. Attorney Ryder stated the problem with Instant Runoff Elections is that they are in direct conflict with *TCA 2-3-206 (a) "Notwithstanding any provision of this title to the contrary, in any municipality in which the charter of such municipality provides for a runoff election following a primary election for municipal office, such runoff election may be held not less than thirty (30) days following the primary election. (b) Notwithstanding any provision of this title to the contrary, the county election commission holding such runoff election shall provide a procedure for absentee voting in such election. (c) Notwithstanding any private act or charter provision to the contrary, when a run-off election is scheduled to be held after a general election in any county having a metropolitan form of government, the run-off election shall be set by the election commission, not less than thirty (30) nor more than forty-five (45) days after the regular election.* Mr. Ryder's opinion is that we could not engage in instant runoff voting without a change in the current state law by the general assembly. The Memphis referendum cannot be in contradiction to state law. Mr. Ryder will check with the State Attorney General's office for their opinion.

Chairman Meyers recessed the meeting at 4:31 to call Tom Needham who was scheduled to give a presentation to the commissioners.

Chairman Meyers again called the meeting to order.

Commissioner Lester requested the next date for the Commissioners Quarterly Review of Voter Registration Applications. Mr. Dow responded it could be before the next Commission Meeting.

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Mr. Holden reminded the Commissioners that we also needed to schedule a special meeting to certify the Arlington/Lakeland Candidates. Chairman Meyers suggested July 1, 2015 to certify those candidates. All other Commissioners agreed.

Chairman Meyers reported that Mr. Needham would not be able to attend the meeting. He had asked Mr. Needham to attend because Mr. Holden, upon reviewing the CIP budget, discovered a \$1.875 million allocation for the relocation of the Shelby County Election Commission Operation Center. Internal conversations revealed that SCEC had not requested this move. Chairman Meyers was told by Mr. Needham, the County Engineer, that SCEC did not need the *vertical* space in the current warehouse. He proposed a warehouse for the voting machines could be built next to the current facility at 980 Nixon and leave the offices in the existing building. The proposal also includes moving the Register into the warehouse. The Chairman wanted Mr. Needham to hear input from SCEC.

Chairman Meyers stated that with the information in hand he would not be in favor of the proposal because it does not take into account how the SCEC operates.

Commissioner Nollner pointed out that the building was specifically built for the SCEC in 1991; space limitation now require off-campus storage; elections require every inch of the warehouse space before and after Election Day; the machines need to be with the offices for tech supervision and training purposes.

Commissioner Lester commented that she was glad that Commissioner Jones was present. Her major concern was how one division could decide for another division for over 1 million dollars. She said it was disrespectful to not be in contact with the Election Commission or any knowledge of the workings of the Election Commission. She further voiced that she did not believe the County Commission should allow this to occur.

Commissioner Stamson commented that this is not the first time this type of thing has happened, but it is not fair. He acknowledged the Election Commission does not fully utilize the top part of this building, and if they want to build us another building that meets our specifications, he is not opposed. The Register does store records up to 20-30 feet in the air for archives. However, the way they went about this was not right.

There was much discussion about the lack of understanding among other divisions of the County about how the Election Commission works, especially during an election cycle.

Commissioner Lester asked for clarification regarding County employee raises and Election Commission employee raises. Chairman Meyers responded that it was his understanding that the Election Commission employees would receive any raise the County employees received.

**ANNOUNCEMENTS**

Wednesday July 1, 2015 at Noon – Special Meeting to Certify Arlington/Lakeland Candidates

Election Commission Quarterly Review of Voter Registration Application  
Thursday, July 23, 2015 at 2:30 p.m.

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Next Operations and Technology Committee Meeting:  
Thursday, July 23, 2015 at 3:00 p.m.

Next VCS and HR Committee Meeting:  
Thursday, July 23, 2015 at 3:30 p.m.

Next Regular Commission Meeting:  
Thursday, July 23, 2015 at 4:00 p.m.

**ADJOURNMENT**

Meeting was adjourned at 4:50.

**Others in attendance:**

Rich Holden, Administrator  
Joe Young, Deputy Administrator  
Darral Brown, Ops Manage  
Dan Dow, VCS Manager  
Pam Crosno, Staff  
Monice Hagler, Attorney  
Carlos Bibbs, Attorney  
John Ryder, Attorney  
Pablo Varela, Attorney  
Suzanne Thompson  
Mickie Klentz  
Morgan Chance  
Leonard Hopkins, ITS