

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
OCTOBER 23, 2015

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on October 23, 2015 at 12:00 PM at the Election Operations Center, 980 Nixon Drive. All Commissioners were present with Commissioner Tate arriving late.

Meeting was called to order by Chairman Meyers at 12:07 p.m.

APPROVAL OF OCTOBER 1, 2015 AND OCTOBER 19, 2015 COMMISSION MEETING MINUTES

Commissioner Stamson moved to approve the October 1, 2015 minutes. Commissioner Nollner seconded. There was no discussion. Minutes were unanimously approved. Commissioner Lester moved to approve the October 19, 2015 minutes. Commissioner Stamson seconded. There was no discussion. Minutes were unanimously approved.

CERTIFICATION OF OCTOBER 8, 2015 MEMPHIS MUNICIPAL ELECTION

The auditor's report, Statement of Votes Cast and Participating Voters List were provided to the Commissioners. Result of the Election is that 5 of the 7 single-member City Council Districts will have a run-off on Thursday, November 19, 2015. Commissioner Stamson moved to Certify the Results of the Memphis Municipal Election held on October 8, 2015. Commissioner Nollner seconded. Discussion followed. Commissioner Lester stated she was voting to certify the results because her findings didn't affect the outcome of the election but she has concerns with the discrepancies in the election night totals and those presented for certification. Numbers ranged from 2 to over 100. She voiced particular concern with 77-1 where there existed a discrepancy of over 200 votes from election night to SOVC dated October 12th. This is not acceptable. She further stated SCEC may need to consider a forensic audit or take steps to ensure the capability to render quality elections.

Administrator Holden to follow up with Commissioner Lester regarding discrepancies. Certification of the Results of the Memphis Municipal Election held on October 8, 2015 was unanimously approved.

ATTORNEY'S REPORT

Attorney Ryder: There are several items pending. The cost bill from the Circuit Court has been resolved and attached to the plaintiff, Judge Joe Brown and not the Election Commission.

The Chancellor in Part One has recused himself in the Southwind annexation suit, and it is believed that the Chancellor in Part 2 will recuse himself as well. Most likely there will be a special judge appointed by the state in this matter.

There was a suit brought against the Election Commission by Early Story, a convicted felon whose rights had been restored with some resulting confusion over his voter registration number and his felony record number. This case is being defended by the Attorney General's office and they have submitted a motion to dismiss. At this point, the SCEC is simply monitoring the case, which is pending.

An open records request has been submitted. Chairman Meyers asked if there was any way to recoup some of the costs to gather and provide the information in that the request seemed to

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involve a voluminous amount of information. Mr. Ryder responded that reasonable costs could be charged.

Attorney Bibbs: no report

Attorney Hagler: no report

ADMINISTRATOR OF ELECTIONS REPORT

Given by Mr. Holden.

As previously stated, the October 8, 2015 Election resulted in 5 run-off elections in 85 precincts, or roughly 72% of the city. The ballot has been developed and approved by the state. Military ballots have been sent out in compliance with election law. The Election Officials staff has hired 95% of the election workers and those lists have been provided to the Commissioners. Logic and Accuracy test for the early voting machines will start on Monday. We've talked to the budget department for guidance on how to handle the additional cost of 5 run-off elections.

Election Night Reporting will be discussed separately, however, the plan going forward will be on Election Day, after initial activity has died down, about 9 a.m., we will test connectivity, early afternoon we will upload the early voting memory cards. Should we have an issue, we will have several hours to resolve. At 7:00 p.m. on election night, the Commissioners can review and approve the release of the early voting results. No results will be known or released prior to 7:00 p.m.

Archives/Relocation update: October 22, 2015 Commissioner Heidi Schafer, Tom Needham, Register Tom Leatherwood and the manager of the Archives came to the Operations Center unannounced and without an appointment. According to Commissioner Shafer the current plan regarding the usage of space between Archives and the Election Commission is to enlarge the archives space by taking some of the existing Election Commission space. Secretary of State Tre Hargett just happened to stop by at the same time, so he is fully aware of the situation and joined them for a tour of both facilities.

Election Night Reporting: Reporting was delayed as the server and memory cards were not communicating as expected. At that point, the staff in conjunction with the vendor, ES&S, implemented a back-up plan which took 2 hours to complete, resulting in the election night reporting being delayed. It was simply a reporting issue. At no time was there a risk to the results. As stated earlier, we will test connectivity earlier in the day on Election Day.

Additionally, election night reporting results were uploaded to the website in the following order: absentee, early voting, precincts, combined. Each subsequent update was also uploaded in that order. In the future, once the initial absentee and early voting results have been uploaded, only the combined results will be uploaded. The election night reporting will be set-up so that the Election Commissioners will approve all uploads and posts to the website.

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Commissioner Lester voiced displeasure with election night reporting especially with ESS. Explanation provided by them was unsatisfactory and with the volume of business received and tenure, SCEC and citizens deserved better. Chairman Meyers agreed with the displeasure at the level of support from ES&S. Commissioner Stamson agreed with the other Commissioners regarding election night reporting, and added there needs to be additional systems in place to provide check points for election night tasks. Commissioner Nollner added the she too was disappointed with the whole election night process and agrees that steps need to be taken internally.

GENERAL DISCUSSION OF OCTOBER 8, 2015 ELECTION

Chairman Meyers recognized Carlos Bibbs. Mr. Bibbs requested additional information from the Administrator regarding Plan B and as many details as to what actually took place as possible in the form of a report.

Several guests were in attendance and requested to speak. Chairman Meyers recognized the following attendees and each was allowed 3 minutes to speak.

Del Gill
M. LaTroy Williams
Brett Thompson
Patrice Robinson
Joseph Weinberg

Action Item: Commissioners will discuss with the lawyers the need to update the Commission's Policy on cell phones and the taking of pictures after the polls close to take pictures of the tapes.

ANNOUNCEMENTS

Next Commission Meeting scheduled for 4:00 Tuesday, November 17, 2015. There will be no committee meetings. It is time for the Commissioner's quarterly Voter Registration Application Review, which will be held at 3:30 p.m. prior to the 4:00 p.m. meeting.

Commissioner Lester requested the poll worker list provided include name, party, voter ID, and job classification. Staff had provided a list of just names and party affiliation based on their understanding of the Commissioners previous directive to not give out personal information regarding election officials. Commissioner Nollner pointed out that the voter ID number would provide personal information via the all-details report. Commissioner Lester responded that the primary board had no way of verifying a worker's party without a voter ID number and without the job classification there was no way to verify an even number of positions, specifically inspectors. Staff will provide the additional election official workers information.

ADJOURNMENT

Meeting was adjourned.

Others in attendance:

Rich Holden, Administrator
Joe Young, Deputy Administrator

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Darral Brown, Ops Manager
Dan Dow, VCS Manager
Pam Crosno, Staff
Deborah Upchurch, Staff
Carlos Bibbs, Attorney
Monice Hagler, Attorney
John Ryder, Attorney
Pablo Varela, Attorney
Patrice Robinson
Clifford Stockton, Jr.
Steve Steffans
Mickey Klentz
M. LaTroy Williams
M. Everett Banks
Del Gill
Joseph Weinberg
Brett Thompson

Robert Meyers, Chairman

Date

Norma Lester, Secretary

Date