

SHELBY COUNTY ELECTION COMMISSION
REGULAR MEETING MINUTES
November 28, 2016

APPROVED

The Regular Meeting of the Shelby County Election Commission was held on November 28, 2016 at 4:00 p.m. at the Election Operations Center, 980 Nixon Drive.

Meeting was called to order by Chairman Meyers at 4:09p.m.. All Commissioners were present.

CERTIFY RESULTS OF NOVEMBER 8, 2016 ELECTION

Motion By: Commissioner Tate

Seconded By: Commissioner Stamson

Voted Yes: Chairman Meyers, Commissioner Tate, Stamson and Nollner

Voted No:

Abstained: Commissioner Lester

Approved: 4-1

Discussion followed.

ATTORNEY'S REPORT

Given by Attorney John Ryder

Discussion followed.

- **Halbert v. SCEC**

A tabulation comparison was completed [by both parties]. After comparing all tally tapes to the machines, there were differences of 18 to 20 votes than certified. The outcome did not change, but the plaintiff received fewer votes than originally indicated.

Action Items:

Chairman requested a copy of the updated plea.

ADMINISTRATOR'S REPORT (ATTACHED)

Given by Linda Phillips

Discussion followed.

GUEST APPEARANCE

Mr. Del Gill was given 3 minutes to address the Commissioners.

Discussion followed.

OLD / NEW BUSINESS

- **2017/2018 Budget**

Commissioners will meet on December 13, 2016 at 4:00p.m. to discuss.

Discussion followed.

ANNOUNCEMENTS:

- The next Election Commission meeting is scheduled for Tuesday, December 13, 2016 at 4:00 p.m.

ADJOURNMENT

Meeting was adjourned at 5:33p.m.

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OTHERS IN ATTENDANCE:

Linda Phillips, Administrator
Darral Brown, Operations Managers
Dan Dow, VCS Manager
Deborah Upchurch, Staff
Genine Taylor, Staff
Leonard Hopkins, ITS

Attorney Pablo Varela
Attorney Bibbs
Attorney Ryder
Rose Ann Bradley
Barbara Williams
Elvis Hardrick, *Fox 13*

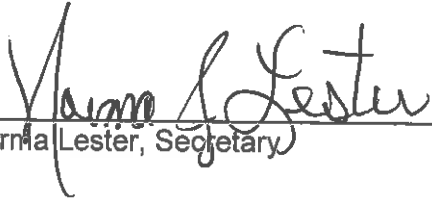
Jim Spiewak, *Fox 13*
Linda Moore, *Commercial Appeal*
Bill Dries, *DailyNews*
Del Gill



Robert Meyers, Chairman

12/13/16

Date



Norma Lester, Secretary

12/13/16

Date



Shelby County Election Commission

Administrator of Election Monthly Report

November 28, 2016

November 8, 2016 Election

Election Day turnout of 97,214 was well below expected turnout. 5,457 voters completed manual ballot applications which is 5.6% of election day voters. Voters who change their addresses on Election Day create an enormous amount of work both at the polls and in reconciliation.

In general, the election went very well. The voting machines worked well. As it turned out, we had more equipment in the field than was required but it is better to deploy everything we had and not need it than to have it the other way around. Delivery was perfect and completed in less time than usual. The ballots were all correct. We had only very minor complaints on Election Day. One location had lines but we dispatched an additional EPB and a worker and the lines quickly cleared out. No location had a shortage of voting machines; utilization was well under maximum capacity. Our new security protocols allow us all to swear under oath that these machines were not tampered with between programming and counting. Our new election night process allowed us to be assured that all early voting cards were correctly tallied. (We used the same process for Election Day cards, but that is completed after the election.)

Our only significant complaints and problems came from the absentee process. We received a number of complaints of people who never received their absentee ballots; in all cases where we received the request, a ballot was mailed to the specified address. Once we give it to the post office, we lose control of the process. This is not a problem confined to Shelby County; other counties are reporting similar issues. TACEO will be discussing this at our winter meetings.

Our other problem with absentees involved the counting of them. Optical scan technology was first introduced in the 1950's as a method of voting and the basics haven't changed much since then. People who think optical scan ballots are the way to go have never actually experienced counting and re-counting them; voter error dramatically increases with optical scan.

We had nearly 7,000 paper ballots to process. Despite beginning at 8am, we still weren't finished until well after 7pm. One of the best practices for GEMS is that we do not have the optical scan port and the TSX port on our internal network open at the same time. So, in this and all previous elections, the practice has been to do the optical scan ballots first. The practical effect of this is that uploading the early voting results has to wait until the paper absentee ballots are scanned. In this election, we kept having scanners drop from the network; mostly this was a physical connection issue. The scanner would abort in the middle of a batch; they would have to start that batch over. When we thought we were finished, we had 136 more votes on the SOVC than we had on the report from the Absentee module of ESM. This cannot be correct, so we started reviewing.

After checking all of the obvious issues, we concluded that the error was likely that a batch or batches had been uploaded more than one. At this point, I made the decision to delay re-scanning the absentee ballots so that we could proceed with uploading the early voting results. Once the early voting results were uploaded, we opened both ports so that re-scanning of the paper absentee ballots could continue. (Yes, not a best practice to have both open at once but we were monitoring the traffic very carefully.)

About 1:30am, we finished scanning the absentee ballots. At this point there were 86 votes fewer on the SOVC than the reports. After consulting with the Coordinator, the decision was made to suspend counting until after people got some sleep.

The next morning, the team hand counted the affidavits and found that there were 14 more affidavits than were listed on the Absentee reports. After going through and matching those to the reports we were able to identify the voters and correct the reports. We were off exactly by 100 (which is two decks), confirm those decks lacked the correct deck report, ran those and posted the totals.

After considering the issues, there are several things we can do to improve the process and we will be implementing these for future elections. It would appear that for at least some of the missing 14 voters, the process was correctly done but ESM either failed to update or dropped the information. This will be the last major election that we use ESM for, so hopefully that problem will not occur in the future. One of the contributing factors was that the Absentee team felt very, very pressured to complete their work quickly. I think that pressure contributed to the issue. Fortunately, we generally do not have large numbers of paper ballots except in Presidential elections, so

I do not anticipate it being an issue until 2020. However, I will point out that our scanners are very old and could be replaced with newer ones; this would cost about \$80,000. However, we will get to that in a later part of this report.

And for those of those keeping score, twelve counties are certifying their election today, so Shelby County is not last. In fact, the largest counties in TN are certifying today, as we all need the time to process our provisional ballots. We received about 2500 provisional ballots; 863 were counted. A staggering number of man hours are devoted to processing provisional ballots and the process cannot be streamlined except that our EPB equipment has the ability to capture data both for change of address and provisional voters, if we choose to upgrade.

So, the message I want to convey is that this was a pretty good election and in keeping with the British tradition of honoring effort by "mentioning in dispatches", kudos to a couple of people and groups.

- The election machine department under the leadership of Matt Lucas and Cissy Ellison did an outstanding job. They took my far more rigorous logic and accuracy testing seriously and both the early voting and election day audit reports were excellent.
- Ewing Moving and Storage did an exceptional job. Machines were delivered perfectly and in less time than expected.
- The team in Voter and Candidate services did an excellent job. All of the new registrations were in before early voting started; this involved a lot of late nights and weekends.
- Carla Lytle, Pam Gentry and their team went above and beyond, not only doing their own work but helping in other areas.
- And the work though pain award goes to Joe Young who really, really should have been in a hospital bed somewhere but managed to stay upright all day.

Reconciliation of the manual ballot applications went well. We did discover three cases of what appears to be voters who voted twice. This information has been forwarded to the District Attorney General for action and I will make no further comment on this. There were a handful of voters in scattered precincts who were not on the poll books and who should have not been allowed to vote on machines but poll workers allowed them to. There were about 20 voters with manual ballots apps that we could not identify in ESM to record voter history.

Future Plans

The capital improvements project plan is due tomorrow. I am, with your concurrence, placing replacement of our voting machines as an item on the plan. I am proposing that we issue an RFP in the fourth quarter of 2020 and make a decision early in 2021, purchasing enough equipment for delivery in 2021 for training our employees and revamping all of our training materials, and beginning the process of voter education. The rest of the equipment will be delivered in 2022 and first used in the county primary in May, 2022.

You may ask, why wait? In thinking about the election calendar, first, the county needs time to adjust to the \$12 million or so this might cost. But more importantly, we can't get this done in time for 2018, even if there was a magic pile of money that appeared. Nor do we have sufficient staff and time to re-do all of the process and training in the very short period between the Arlington election and the May, 2018 primary.

Introducing new election equipment and ranked choice voting in the same election is a recipe for disaster, so 2019 is out. No one is crazy enough to introduce new equipment in the next presidential election, so 2020 is out. 2022 seems like the ideal time; we will have time in 2021 to take a deep breath and learn the new equipment.

In terms of the CIP request, I am recommending purchase of upgraded software for the EPB's and purchase of some additional EPB's, as we don't have quite enough of them. I would like to get the upgraded software ASAP but the EPB's could wait until 2019. We very badly need the upgraded software for the EPB's; it will pay for itself in about a year by allowing us to skip the duplicate processes. (We do a lot of work at the polls that we then duplicate back at the office. Dumb, dumb, dumb.) I am still undecided about whether or not to recommend purchase of the \$80,000 or so new high speed scanner. As it turns out, a great deal of our problems were related to ESM and can be reduced and or eliminated with a better process. I hate to spend \$80,000 on equipment that may or may not be compatible with the new system.

I have also attached a draft of the voter address verification program. I am not asking for action; this is merely for you to contemplate for future action.