

**SUMNER COUNTY ELECTION COMMISSION
SPECIAL CALL MEETING MINUTES
FRIDAY, MAY 17, 2024, 3:30 P.M.**

Members present: Chairman M. Allen Ehmling; Secretary Denise D. Shepherd; Commissioners Patricia D. Collins, J. Michael Fussell and Jeffery B. Hulsey. Also present: Lori D. Atchley, Administrator of Elections (AOE) and Annette Haw, Assistant Administrator of Elections (AAOE).

I. CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m. by Chairman Ehmling with a motion by Commissioner Collins, seconded by Commissioner Hulsey and the motion passed 5 – 0.

II. APPROVE AGENDA

Commissioner Collins made a motion to approve the agenda, seconded by Commissioner Hulsey and the motion passed 5 – 0.

III. PUBLIC COMMENTS

None.

IV. APPROVE MINUTES

A motion by Commissioner Hulsey, seconded by Commissioner Shepherd to approve the: **MAY 14, 2024, REGULAR MEETING MINUTES** and the motion passed 5 – 0.

A motion by Commissioner Fussell, seconded by Commissioner Hulsey to approve the: **MAY 14, 2024, EXECUTIVE SESSION MINUTES** and the motion passed 5 – 0.

V. NEW BUSINESS

A motion by Commissioner Shepherd and seconded by Commissioner Collins to approve the “SUMNER COUNTY ELECTION COMMISSION PLAN FOR OFFICE AND ELECTION EQUIPMENT STORAGE REQUIREMENTS” to be presented to the SCC and SCM and the motion passed 5 – 0.

VI. REPORT FROM ADMINISTRATOR

None.

VII. ADJOURNMENT

Motion by Commissioner Shepherd, seconded by Commissioner Hulseby to adjourn the meeting and the motion passed 5 – 0. The meeting was adjourned at 3:39 p.m.


M. Allen Ehmling, Chairman


Denise D. Shepherd, Secretary


Lori D. Atchley, Administrator of Elections AOE

ABBREVIATION LEGEND:

SCEC: Sumner County Election Commission
AOE: Administrator of Elections
AAOE: Assistant Administrator of Elections

SCC: Sumner County Commission
SCM: Sumner County Mayor

FOR APPROVAL
BY THE SUMNER COUNTY ELECTION COMMISSION
MAY 17, 2024

SUMNER COUNTY ELECTION COMMISSION
PLAN FOR OFFICE AND ELECTION EQUIPMENT STORAGE REQUIREMENTS

The following plan for office and election equipment storage requirements of the Sumner County Election Commission (the "Election Commission") is made pursuant to the January 26, 2024, partial summary judgment and temporary injunction order of the Sumner County Chancery Court (the "Order") in the matter of Sumner County Election Commission v. Board of Commissioners of Sumner County, Tennessee, and John Isbell, Mayor Sumner County, No. 2023-CV-65.

In pertinent part, the Order provides:

Each entity shall consider a comprehensive plan, including space requirements, funding for renovation of facilities and the relocation, and any other matters necessary to facilitate a move of the Election Commission offices without interfering in the ongoing election process. The public entities shall not deliberate these matters in closed session protected by the attorney-client evidentiary privilege, but may meet with their respective attorneys in closed session only to receive legal advice.

The Temporary Injunction, as modified, shall remain in full force and effect until the Election Commission, County Mayor, and County Commission reach a written agreement regarding a specific plan for relocation of the offices and facilities of the Election Commission, or if no agreement is reached, until the Court upon motion, approves an appropriate plan for the Election Commission relocation that will not interfere in the election process, and that will provide for adequate security.

Order, at 15.

The Election Commission is not charged with management of property owned or leased by Sumner County. In the Order, the Chancery Court held that responsibility is shared between the Sumner County Commission and County Mayor, the County Commission having "the overall power to determine which county departments or entities may occupy specific properties owned or controlled by Sumner County, id. at 12, and the County Mayor having the power to "direct [the property's] ongoing operation." Id. at 13. The Election Commission is not, therefore, able to ascertain which of the County's properties may best support its operations, training, and storage requirements.

The Election Commission, is, however, uniquely charged under Tennessee law with "promotion of voter registration and the electoral process." Tenn Code Ann. § 2-12-116. The Election Commission alone is responsible for the conduct of safe, secure elections in Sumner County. Id. Local authorities, such as the County Commission and Mayor, are charged with providing "ample police protection against tampering with or injury to the voting machines after they have been prepared for and during an election and [providing] adequate storage at all other times." Tenn. Code Ann. § 2-9-104(b).

With these shared responsibilities in mind pursuant to the terms of the Order, the Election Commission estimates it requires approximately 18,000 square feet of contiguous space for the operations of its offices and facilities. This estimate is broken down by function of the Election Commission, below.

ADOPTED, this 17th day of May, 2024, by the Sumner County Election Commission.

OFFICE SPACE REQUIREMENTS

Tennessee law requires that each county election commission "have an office in the county courthouse or another public building and such other locations as the commission may designate for registering voters and performing other functions required or authorized by law." Tenn. Code Ann. § 2-2-108(a)(1). The space requirement for the Election Commission's office work must include:

- A reception/desk/work station area for greeting and assisting voters and candidates;
- A conference room to accommodate meetings of election commissioners and members of the public who attend Commission meetings, as well as the daily work of the Administrator and staff;
- Secure offices for the Administrator, Assistant Administrator and staff supervisors;
- Work areas for all other Commission staff in the performance of daily job responsibilities;
- A room/area readily accessible by staff to the Rotomax machines (stationary file system with removable trays) to house 130,000+ voter registrations cards and all accompanying documents for active, inactive, military personnel, accredited facilities, felons, deceased, purged voters, etc.;
- A room/area readily accessible by staff to accommodate a copy machine, folding machine, postage machine, and fax machine;
- An area to accommodate the stand-alone secure State computer system for twice-daily transfers to the State of voter registration information and processing of election results;
- A break area for staff;
- Restrooms;
- An electrical closet to house all network and work station connections;
- An secure absentee ballot-processing room to house and process absentee applications, envelopes, ballots and shelving for ballot bags to house returned ballots by precinct;
- Secure archives/storage area/closet for past election binders, candidate filings, and campaign finance disclosures, for immediate access for reference

The Election Commission estimates the above functions require 3,000 square feet, including voter and candidate interaction space, work areas, and individual secure rooms.

TRAINING FUNCTION REQUIREMENTS

Tennessee law requires that local election officials undergo mandatory periodic training. Once per election, the Election Commission must conduct a training of all election officials, pursuant to standards established by the state Administrator of Elections. Tenn. Code Ann. § 2-4-108(b). Officials for all county polling places who have never been previously trained must attend the sessions. *Id.* at § 2-4-108(c). In Sumner County, this training is especially important for the 2024 election cycle as voters will be casting ballots in August and November on machines many of them have never used before. Therefore, the training function of the Election Commission requires space capable of accommodating 250-400 poll workers to attend courses as machine operators, registrars, officers of elections, and special registrar classes to include full demos of voting machines, voter-verifiable paper trail printers, and complete e-poll set ups with laptops, scanners, and printers. This space requirement can flex as poll workers cycle through various courses during training days.

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The Election Commission estimates the above functions require a minimum of 420 square feet for training classrooms or learning areas.

VOTING MACHINE INSPECTION REQUIREMENTS

Tennessee law requires, prior to each election, that election commissions and its voting technicians have “proper ballot labels placed on the voting machines [with] the machines put in proper order for voting with the registering counters set at zero (000), the counting mechanisms locked, and each machine sealed with a pre-numbered seal.” Tenn. Code Ann. § 2-9-105. Voting machine technicians must “certify in writing that, before sealing each machine but after preparing it for an election, such technician has tested each voting lever and that each machine is in proper working order.” *Id.* Election commissions are required to make this inspection process open to inspection by representatives of each county party executive committee and primary board. *Id.* Adequate inspection space requires:

- Work space for 275 voting machines on tables that permit access to, and programming of, machines prior to elections and verification of results thereafter, accommodating both the size and weight of the voting machines; and
- Work area for voting technician staff, including work stations and storage of documentation related to voting machine certification, labels, and seals for all voting equipment.

The Election Commission estimates the above functions require a minimum of 8,180 square feet.

WAREHOUSE STORAGE & PERMANENT SHELVING REQUIREMENTS

As stated above, each county Election Commission must have “adequate” storage for its voting machines, Tenn. Code Ann. § 2-9-104(b). Between elections, including machine verification, training, and verification of results, each election commission must have adequate warehouse space to permanently store the following. In Sumner County, that requires permanent storage for equipment required by all 29 precincts (and early voting), as follows:

- 275 voting machines;
- 29 rolling large luggage cases carrying precinct worker supplies;
- 58 equipment totes (minimum 2 per precinct) carrying laptops, printers, scanners, mi-fi's, power cords, table covers/cloths, tape for signage and marking floor lines, and paper;
- 29 printer bags, carrying voting machine tapes;
- 29 sets of equipment dollies, signage, parking and traffic cones, and disability-access devices.

This area must be secure to the requirements of the U.S. Department of Homeland Security and the State of Tennessee, including appropriate locks, security cameras and alarms, in a dry, low-humidity environment to prevent damage. It may double as a staging area for tote inventory and restocking of supplies.

The Election Commission estimates permanent storage requirements of 6,000 square feet.

COUNTING BOARD CONVENING REQUIREMENTS

Tennessee law requires the Election Commission to convene a counting board within four hours of polls closing following an election to open and count absentee and provisional ballots. Tenn. Code Ann. § 2-6-302. This function requires a room with a secure door for the counting board to meet,

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open, process, and tally absentee and provisional ballots. The Election Commission estimates this requires a room of 150-300 square feet depending on adjacent connectivity of space for bags of ballots and public viewing, if any.

ANTICIPATED COSTS OF RELOCATION

The Election Commission relocated its storage and training operations to 1019 Union School Road in 2022-23 at the direction of the County mayor, and with funding support from the Sumner County Commission. Funds for the move were included and approved in the Election Commission's FY23 budget. The County Mayor's office assisted with the acceleration of the move following the Christmas Eve 2022 flooding of the County Administration Building basement. The Election Commission estimates the total cost of the 2022-23 move was \$10,000-\$15,000.

The 2022-23 move, however, did not include the Election Commission's 275 new voting machines and printers, which were shipped directly to 1019 Union School Road in May 2023. The Election Commission estimates the cost of moving the machines, printers, and tables for the machines to be tested and examined upon would be approximately \$45,000.

Further, relocation of the remaining office furnishings, equipment, and election supplies from the current County Administration Building—whether to 1019 Union School Road or any other location—would cost approximately \$60,275, with approximately half that amount associated with the move of two Rotomax machines, which hold the County's 130,000+ voter registration cards. The remainder would be for the disassembly and reassembly of work stations, relocation of information technology, and transport of same.

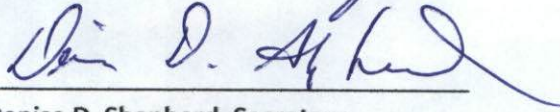
In sum, the Election Commission estimates:

- Relocation to the basement of the County Administration Building is not feasible. Enclosed with this document are photographs of the 1019 Union School Road building in its present use that demonstrate the space needs set forth herein. The former basement space is not secure, nor is it large enough to accommodate the training and storage requirements of the Election Commission's new machines, printers, and equipment.
- Relocation to a new space would cost approximately \$120,000, in addition to the cost of retrofitting the space.
- Relocating Election Commission office and staff to 1019 Union School Road would cost approximately \$60,275, with minimal renovation required to the offices at 1019 Union School Road.
- Maintaining the status quo—leaving machine storage and training functionality at 1019 Union School Road and customer-facing staff at the County Administration Building—carries a marginal relocation cost of zero. This option, however, introduces hidden costs related to the inefficiency of managing the work of the election commission across separate locations.

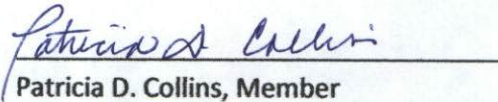
APPROVE THIS 17TH DAY OF MAY, 2024



M. Allen Ehmling, Chairman



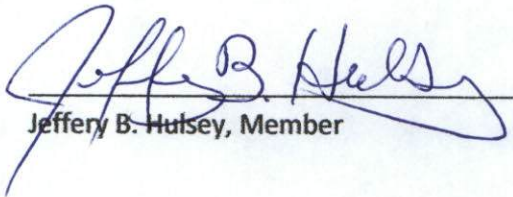
Denise D. Shepherd, Secretary



Patricia D. Collins, Member



J. Michael Fussell, Member



Jeffery B. Hulse, Member