

STATE OF TENNESSEE
COORDINATOR OF ELECTIONS

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SECRETARY OF STATE

In the matter of:

Erika Sugarmon,
Jennifer Racquel Collins-Milinkovich,
John Marek, and
Samuel Goff,

Petitioners

CASE NO. 20.04-158419A

NOTICE OF HEARING

Pursuant to Tenn. Code Ann. §§ 4-5-223 – 224, the Tennessee Coordinator of Elections (COE) provides the following Notice of Hearing:

Petitioner: Erika Sugarmon, Jennifer Racquel Collins-Milinkovich, John Marek, and Samuel Goff

Petitioner's Counsel: Taylor A. Cates
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Case Number: 20.04-158419A

Background:

Petitioners have filed the Petition for Declaratory Order in response to a Memorandum Opinion and Final Declaratory Order issued by the COE dated February 15, 2019, *In the matter of Shelby County Election Commission, Petitioner vs. Tennessee Coordinator of Elections*,

Respondent, Case No. 20.04-152916A. The Memorandum Opinion and Final Declaratory Order, issued under the authority of Tenn. Code Ann. § 2-11-202(a)(4), concluded that the Shelby County Election Commission cannot legally implement a process for redistributing and allocating votes using a system of ranking candidates to determine an instant runoff winner (also known as “Instant Runoff Voting” or “IRV”) for elections in the City of Memphis (as described in City of Memphis City Charter Article 2, Section 7) under the mandates of current laws adopted by the General Assembly, specifically Tenn. Code Ann. §§ 2-5-206, 2-5-207, 2-5-208, 2-7-133, 2-8-101 and Promulgated Rule No. 1360-2-13-.07(a). Petitioners are individuals who state an intention to run for a position on the Memphis City Council in October 2019.

Summary of Relief Requested:

Petitioners seek a Declaratory Order that an IRV system does not violate Tennessee law, that implementation of an IRV system is feasible for the next Memphis city election and that the provisions of the February 15, 2019 Memorandum Opinion and Final Declaratory Order from the prior case, *In the matter of Shelby County Election Commission, Petitioner vs. Tennessee Coordinator of Elections, Respondent*, Case No. 20.04-152916A, which are inconsistent with the implementation of an IRV system for the next Memphis city election, be overturned.

Outline and Summary of the Statutes and Regulations

Tenn. Code Ann. § 2-11-202 (authority of the COE)

Tenn. Code Ann. § 2-5-206 (arrangement of voting machine ballots)

Tenn. Code Ann. § 2-5-207 (arrangement of paper ballots)

Tenn. Code Ann. § 2-7-133(b) (process for counting ballots)

Tenn. Code Ann. § 2-8-101(b) (certification of vote and recounts)

Tenn. Comp. R. & Reg. 1360-02-13-.07(a) (regulation of electronic voting machines)

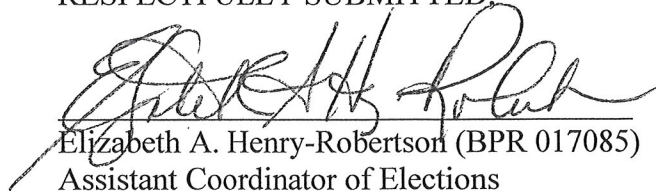
Hearing:

The contested case hearing to be held by the COE, sitting with an Administrative Law Judge (ALJ) pursuant to Tenn. Code Ann. § 4-5-301, currently set for September 10, 2019 shall be and is hereby continued until **December 17, 2019**. The hearing will commence at **10:00 a.m. (CDT)** in Conference Room N, located on the 3rd Floor of the William R. Snodgrass Tennessee Tower at 312 Rosa L. Parks Ave., Nashville, Tennessee. The hearing will be conducted pursuant to Tenn. Code Ann. § 4-5-301, *et seq.* and the Uniform Rules of Procedure for Contested Cases before State Administrative Agencies, Tenn. Comp. R. & Regs. 1360-04-01. All motions and pleadings may be filed with the Secretary of State, Administrative Procedures Division, 312 Rosa L. Parks Avenue, 8th Floor, William R. Snodgrass Tower, Nashville, Tennessee 37243, referencing

the case number above. Additionally, Tenn. Code Ann. § 4-5-308(c), requires that a party must serve copies of any filed item on all parties, by mail or any other means prescribed by agency rule.

Respectfully submitted this 2nd day of October 2019.

RESPECTFULLY SUBMITTED

A handwritten signature in black ink, appearing to read "Elizabeth A. Henry-Robertson", is written over a horizontal line.

Elizabeth A. Henry-Robertson (BPR 017085)

Assistant Coordinator of Elections

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CERTIFICATE OF SERVICE

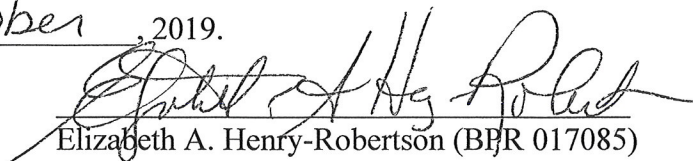
The undersigned hereby certifies that the foregoing Memorandum has been served via hand-delivery upon the Secretary of State, Administrative Procedures Division, 312 Rosa L. Parks Ave., Snodgrass Tower, 8th Floor, Nashville, Tennessee 37243, and (by consent of the parties) via email on counsel of record as follows:

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This the 2nd day of October, 2019.


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