

SPECIAL MEETING

New Hanover County Board of Elections

October 27, 2020

5:00 PM

ATTENDANCE

Members: Thomas C. Pollard, Chair
Evelyn D. Adger, Secretary
Jonathan W. Washburn, Member
Derrick R. Miller, Member
Russ C. Bryan, Member

Staff: Rae Hunter-Havens, Executive Director
Sharon Smith, Technology Coordinator
Joan Geiszler-Ludlum, Administration Technician

Visitors: Sheryl Kelly, Assistant County Manager

Public Attendees: Bob Gatewood; Julius Rothlein, NHC GOP; Alex Sands, Port City Daily; Patsy Odom; Audrey Hammonds; Lynn Dunn; Jimmy Carter.

Telephonic attendees: 1

OPENING

Chair Pollard called the meeting to order at 5:04 p.m. The New Hanover County Board of Elections meeting was held at 230 Government Center Drive, Finance Conference Room 500, Wilmington, NC. All members were present.

AGENDA

Secretary Adger moved that the agenda be approved as submitted, second by Member Bryan. Motion carried unanimously.

MINUTES

Member Miller moved that the minutes of the 09/29/2020 and 10/06/2020 Board meetings be approved as submitted, second by Chair Pollard. Motion carried unanimously.

PUBLIC COMMENT

Chair Pollard called upon the public in-person attendees for their comments or questions, limited to two minutes each.

Julius Rothlein, representing NHC GOP, reported receiving reports from two voters of similar incidents at two different One Stop sites that resulted in the voters casting blank ballots due to the actions of election officials in placing the ballots in the tabulator prematurely and then having to complete provisional ballots. He asked for assurance that these two provisional ballots are counted.

His second question refers back to the question he asked at the last meeting regarding the last day for receiving absentee ballots which are postmarked on or before Election Day: is it November 6 as required by statute, or November 12 as directed by the settlement approved by federal court order? He feels that only ballots received by November 6 as state law requires should be counted.

Chair Pollard stated that the date is November 12 according the court order entered October 14, 2020, upheld by the 4th Circuit Court of Appeals, which he expects the US Supreme Court will review.

There being no further comments or questions from in-person attendees, Chair Pollard called for any questions or comments from the telephone attendees. Hearing none, he closed the Public Comment period.

GENERAL DISCUSSION

Chair Pollard called on the Board members for general discussion. Hearing none, he closed the General Discussion period.

NEW BUSINESS

a. Review of Absentee Ballot Applications

Chair Pollard called on Director Hunter-Havens for her report. She presented 3,971 civilian absentee-by-mail applications with her recommendation for Board approval. Included are 95 ballots made eligible with cure certifications to correct previous deficiencies which she distributed to the Board for review. Sample packets of applications that met all criteria for acceptance were also circulated among the Board. The deficiencies include missing voter signature, missing witness or assistant printed name or address.

Member Washburn moved to approve the 3,876 fully compliant absentee ballots including civilian, military and overseas ballots, second by Member Miller. Motion carried unanimously.

The Board reviewed 95 absentee-by-mail ballots cured by certification which are recommended for approval. A total of 261 cure letters were sent, with 184 absentee ballots reissued at the voter's request; 109 absentee ballots spoiled and the voter voted in-person during One Stop Early Voting; and these 95 were cured by certification.

After discussion, Secretary Adger moved approval of the 95 absentee-by-mail applications with cure certifications, second by Chair Pollard. Motion carried unanimously.

Director Hunter-Havens presented 26 absentee-by-mail ballots, received since the last Board meeting, which were returned by an ineligible person, not the voter or a statutory near relative. SBE guidance is this does not automatically invalidate the ballot, leaving it to the Board to decide. Guidance on the definition of "near relative" is found in NCGS §163-226 (f) and 08 NCAC 18.0102.

After discussion, Member Washburn moved to reject the 26 absentee-by-mail ballots returned by an ineligible person, second by Chair Pollard. Motion carried, 4 to 1, Member Miller dissenting.

Director Hunter-Havens presented 12 absentee-by-mail ballots returned to One Stop sites by unknown deliverers, pointing to poll worker error in accepting the ballots without directing the deliverer to a laptop operator. Previous Boards have chosen not to penalize the voter when poll worker error occurred. The Board discussed their concerns with rejecting ballots that appear valid and suggested ways to make the consequences clearer to the voters. Chair Pollard moved to approve these 12 ballots, second by Member Miller. Motion carried, 4 to 1, Member Adger dissenting.

Director Hunter-Havens recommended the Board approve the 25,522 One Stop applications. Member Bryan moved approval, second by Member Miller. Motion carried unanimously.

Director Hunter-Havens presented the revised reconciliation report for the absentee-by-mail applications approved by the Board at the Special Absentee Meeting on October 20: 3,168 were approved, 3,165 were scanned successfully. Upon opening the ballots, 3 had received and voted the wrong ballot style which affects voting in North Carolina House and/or Senate contests. Two were contacted and asked to have their ballots processed as voted. One could not be reached and staff will continue efforts to reach this voter. The two accepted as voted will be run first after this meeting. The Director will revise the Absentee Meeting Ballot Certifications for the Board members to sign.

b. 2020 Precinct Official Appointments

Director Hunter-Havens presented a list of Chief Judge and Judge Substitution Recommendations for the 2020 General Election. To fill the precinct vacancies, she recommends promoting Judges to fill Chief Judge positions, opening vacancies in the Judge slots. Due to the recent change in State law, she has more freedom to transfer people across precincts. She submitted the recommendations to the party chairs for their review. The second list shows the remaining vacancies to be filled for Election Day.

Member Miller questioned the lack of experience in these important positions. Director Hunter-Havens evaluated the recommended people for their particular skill sets for these positions. She will continue to work with the parties to identify people for the remaining vacancies. Member Washburn noted the number of substitutes who are Unaffiliated. Director Hunter-Havens observed that Unaffiliated voters are now the largest party registration group in this county and they are available to work.

Chair Pollard moved to approve the list of recommended Chief Judge and Judge appointments, second by Secretary Adger. Motion carried unanimously.

Chair Pollard noted that the Board is scheduled to meet next on Monday, November 2, 2020 at 5:00 p.m. and on Tuesday, November 3, 2020 at 2:00 p.m. After that, the Board's regular monthly meeting is November 10, 2020 at 4:00 p.m. and inquired the Board's preference on canceling that meeting since the Board will also meet on Thursday, November 12, 2020 at 2:00 p.m. and Friday, November 13, 2020 at 11:00 a.m. for the pre-canvass and canvass meetings respectively. The Board agreed to cancel the November 10 meeting.

At 6:30 p.m., the agenda being completed, Chair Pollard announced that the meeting would now move to the Board of Elections conference room for scanning the approved absentee by mail ballots.


ADJOURNMENT

On completion of the scanning of absentee by mail ballots, Chair Pollard announced that of the originally approved 3,971 applications, scanning is completed for 3,964. The remaining 7 will be reviewed, researched and addressed for the anomalies identified during scanning for further consideration.


Chair Pollard moved that the meeting be adjourned at 10:06 p.m.

The next Board meetings are scheduled to be held on Monday, November 2, 2020, at 5:00 p.m. at 230 Government Center Drive, Finance Meeting Room 500 and Tuesday, November 3, 2020 at 2:00 p.m. at 230 Government Center Drive in Suite 34.

APPROVED BY:


EVELYN D. ADGER
SECRETARY

RESPECTFULLY SUBMITTED BY:


RAE HUNTER-HAVENS
ELECTIONS DIRECTOR