



DURHAM COUNTY Board of Elections

DURHAM COUNTY BOARD OF ELECTIONS

Minutes of Board Meeting

Friday, November 16, 2018, 11:00 a.m.

Members present

Chairman Luke Farley
Vice Chairman and Secretary Philip Lehman
Member Pamela Oxendine
Member Michael Gray

Staff present

Elections Director Derek Bowens
Deputy Director Samuel Gedman
Elections Manager Daniel Lassiter

County attorney present: Yes

Audience members present: See attendance sheet

Meeting opening

Chairman Farley (via phone) called the canvass meeting to order at 11:00 a.m. Mr. Gray moved to amend the agenda to include a preliminary consideration of a protest filed by John Everette on November 15, 2018.

New Business

Director Bowens briefed the board on the State Board of Elections and Ethics Enforcement provisional audit and presented the board with 25 additional provisional ballot applications recommended to be added to the full/partial counts. Following discussion, Vice Chairman Lehman moved to accept the recommendation of staff related to the 25 additional provisional ballot applications. This motion was seconded by Ms. Oxendine and passed 4-0. Staff proceeded with the counting of the additional provisional ballots.

Mr. Bowens presented the Board with additional information on the provisional ballot in pending status. Mr. Bowens went on to explain that the provisional ballot in question was related to a possible new citizen registering and voting on Election Day in accordance to the provisions of

N.C. Gen. Stat. §163A-865(f) without providing or being prompted for the proper documentation. Following discussion, Ms. Oxendine moved to approve the ballot. The motion was deadlocked at 2-2 with Ms. Oxendine and Vice Chairman Lehman in support and Chairman Farley and Mr. Gray dissenting. The motion therefore did not pass and the provisional ballot in question was not approved. The final provisional totals were 409 fully approved, 241 partially approved, and 880 not approved.

After discussion on the remaining provisional ballot applications, the Board considered a protest petition from Mr. John Everett on November 15, 2018 in accordance with N.C. Gen. Stat. §163A-1178(a)(1). Following discussion on the protest and consultation with Senior Assistant County Attorney Willie S. Darby, Vice-Chairman Lehman moved to dismiss the protest due to the petition failing to meet probable cause of any irregularity related to the present election pursuant to N.C. Gen. Stat. §163A-1178(a)(1). This motion was seconded by Ms. Oxendine and passed 4-0. Chairman Farley entered into the record an observation that the protest form had been improperly completed and that the notarial portion of the filing was incomplete and unsigned. Senior Assistant County Attorney Willie Darby informed the Board that he would prepare an order to be sent to the State Board of Elections and Ethics Enforcement.

At approximately 2:15 p.m., Mr. Gray presented a motion that the Board go into recess while the staff finalized reconciliation activities. The motion passed 4-0. Board representation of both political parties was present during all canvassing activities.

The Board returned from recess at 6:12 pm on a motion from Mr. Lehman that passed 4-0.

Canvass

Mr. Bowens presented the board with the manual edit log and election audit report. Chairman Farley suggested that future audits include explicit language such as "ballot in tabulator" when provisionals are erroneously inserted. Mr. Bowens then presented the full board with the printed canvass reports and remaining results tapes. Board members individually signed the abstracts and reports.

Public comment and questions

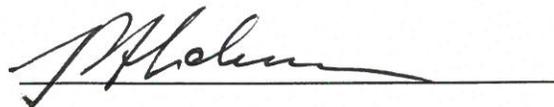
No public comments were provided.

General discussion

There was no general discussion.

Adjournment

The Board adjourned at approximately 6:30 p.m. on a motion by Mr. Lehman that passed 4-0.


Philip Lehman, Secretary