



MEETING MINUTES

Board of Elections Meeting
Monday, October 16, 2023
2:00 P.M.

Board Members:

Dawn Y. Baxton, Chairwoman
David K. Boone, Member
James P. Weaver, Member
Pamela A. Oxendine, Member
Donald H. Beskind, Member

Board Members Present: Chairwoman Dawn Y. Baxton, Member James P. Weaver, Member Pamela A. Oxendine, Member Donald H. Beskind and Member David K. Boone

Board Staff Present: Elections Director Derek Bowens, Deputy Director Brenda Baker, Voter Services Manager Daniel Lassiter, and Absentee Coordinator Alan Resley

Guests in Attendance: Senior Assistant County Attorney Bettyna Abney

Meeting Type: In-Person and Zoom

Meeting Opening

Chairwoman Baxton called the meeting to order at approximately 2:00 p.m. at the Durham County Board of Elections Warehouse (2445 S. Alston Ave, Durham, NC 27713) and led the Pledge of Allegiance.

Approval of Agenda

Mr. Bowens presented the Board with the agenda for the meeting. Following review, Mr. Beskind moved to approve the agenda as submitted by staff. The motion carried unanimously, 5-0.

Public Comment

One comment was provided in the chat function and addressed by Mr. Bowens.

New Business

a. Sample Audit Count (Precincts 29 and 35-5)

- Mr. Bowens presented the Board with a request for staff to conduct the sample audit count for Precincts 29 and 35-5. Mr. Weaver moved to authorize staff to proceed with the sample audit count. The motion carried unanimously, 5-0.

b. Review and Counting of Provisional Ballots

- Mr. Bowens presented the Board with 164 Accepted, 56 Not Approved and 18 Pending Provisional ballot applications for review. There was one ballot in pending status for voter Ann Motten where the Board discussed whether Ms. Motten's Photo ID Exception Form, submitted with her provisional ballot for the 10/10/2023 Municipal Primary Election, was submitted with falsity. Ms. Motten's selection on the Photo ID Exception form was 'Other' with a comment of: "Conscientious objection to being required to show photo ID." Ms. Motten was in attendance

and explained her thoughts on showing Photo ID. Following discussion, Mr. Beskind moved that the Board opposes a finding of falsity to Ann Motten's Photo ID Exception Form consistent with NCGS 163-166.16(f). The motion carried unanimously, 5-0. Ms. Motten's provisional ballot was moved from pending status to approved.

- An acceptable form of Photo ID was submitted to the Board of Elections before 5:00 p.m. for a voter whose provisional ballot was in pending status due to 'No Photo ID.' Following review, Dr. Weaver moved to accept the photo ID and provisional ballot. The motion carried unanimously, 5-0. The provisional ballot was moved from pending status to approved.
- Following the status change on the two pending ballots, Mr. Beskind moved to approve 166 provisional ballot applications and to reject 56 provisional ballot applications as recommended by staff. The motion carried unanimously, 5-0. The remaining 16 pending provisional ballots will be addressed at the Canvass meeting scheduled for October 17, 2023, at 11:00 a.m.

c. Review and Counting of Supplemental Absentee Ballots

- Mr. Bowens presented the Board with 76 Civilian, 2 Civilian Accepted-Cured, 17 Military/Overseas duplicated and 1 Overseas Accepted-Cured duplicated ballots and applications for review. Following physical review and discussion, Mrs. Oxendine moved to accept the ballots and applications as recommended by staff. The motion carried unanimously, 5-0. Mr. Beskind also moved to allow staff to open and scan all approved absentee ballots as preparatory steps prior to the count on Election Day in accordance with NCGS 163-234 (2) and (3). The motion carried unanimously, 5-0.
- Mr. Bowens presented the Board with ballots and applications for the following categories: 9 Civilian Affidavit Review Pending, 5 Civilian Pending, 2 Civilian Pending Cure, and 34 Civilian Returned After Deadline. Following discussion and physical review, Dr. Weaver moved to accept 2 of the 5 Civilian Pending ballots and applications as recommended by staff. The motion carried unanimously, 5-0. Mrs. Oxendine moved to accept the 9 Civilian Affidavit Review Pending ballots and applications. The motion passed unanimously, 5-0. Mr. Boone made a motion to disapprove 1 pending ballot and application for a returned Photo ID Exception form with a script signature. The motion carried unanimously, 5-0. Dr. Weaver moved to disapprove 34 Returned After Deadline and 3 Civilian Pending ballots and applications. The motion passed unanimously, 5-0. The 2 Civilian Pending Cure ballots and applications did not require Board action.
- Following the motions for the 2 Civilian Pending and 9 Civilian Affidavit Review Pending ballots, the approved counts for the October 16, 2023, meeting was 76 Civilian, 2 Civilian Accepted-Cured, 1 Military, 16 Overseas, 1 Overseas Accepted-Cured, 9 Civilian Affidavit Review Pending and 2 Pending ballots and applications. The total approved absentee count was 107.

General Discussion

Chairwoman Baxton requested that staff hold Saturday Photo ID events before the 2024 Statewide Primary and Election.

Adjournment

The Board adjourned at approximately 5:15 p.m. on a motion made by Dr. Weaver. The motion carried unanimously, 5-0.

s/David K. Boone
Member