



# DURHAM COUNTY

## Board of Elections

### DURHAM COUNTY BOARD OF ELECTIONS

#### Minutes of Board Meeting

Tuesday, September 29, 2020 5:00 P.M.

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#### **Members Present**

Phil Lehman, Chairman  
Michael Gray, Secretary  
Pamela Oxendine, Member  
Gregory Irby, Member  
Dawn Baxton, Member

#### **Staff Present**

Derek Bowens, Elections Director  
Brenda Baker, Deputy Director  
Alan Resley, Absentee Coordinator  
Daniel Lassiter, Elections Manager  
Deborah Hart, Senior Elections Administrator  
James Graves, Elections Systems Specialist  
David Beuttel, Elections Logistics Manager  
Rebecca Troedsson, Elections Specialist  
Amy Trice, Elections Specialist

**County Officials Present:** N/A

**Audience Members Present:** See attendance log.

#### **Meeting opening**

Chairman Lehman called the meeting to order at 5:10 p.m. and led the Pledge of Allegiance.

#### **Approval of Agenda**

Mr. Bowens presented the Board with the agenda for the meeting. Following review, Ms. Oxendine moved to approve the agenda and Ms. Baxton seconded, all approved, 5-0.

### **Approval of Minutes**

Mr. Bowens presented the Board with the minutes from the 9/10 and 9/11 Board meetings. Following review, Mr. Irby made a motion to approve the minutes and all approved, 5-0.

### **Director's Report**

Mr. Bowens presented the Board with updates on the Center for Tech and Civic Life Grant received by Durham County in the amount of \$1.4 million and the revised absentee cure guidance from the State Board of Elections (Numbered Memo 2020-19).

### **Public Comment and Questions**

Comments and questions were made by members of the public via the public comment portal. These comments were read aloud during the meeting and responded to.

### **New Business**

- a. Authorization to Delegate Absentee Preparatory Steps to the Director of Elections.
  - Following discussion of the delegation functions referenced in Numbered Memorandum 2020-25, Mr. Irby made a motion to delegate the preparatory steps of (1) Inspecting container-return envelopes for deficiencies and contacting voters as required by Numbered Memorandum 2020-19; (2) Sorting container return envelopes into categories for the Board to review and approval; (3) Making preliminary determinations in the Statewide Elections Information Management System (SEIMS); (4) Verifying the list of ballot envelopes against the absentee poll book; and (5) Performing ballot duplication of electronically submitted military/overseas ballots pursuant to Durham County Board of Elections policy number BOE-001; to the Director of Elections and staff. The motion was approved by all, 5-0.
  - Chairman Lehman noted that the Durham County Board of Elections had previously adopted a unanimous policy at its August 13, 2020 Board meeting authorizing staff to perform ballot duplication of electronically submitted military/overseas ballots as a preparatory step prior to Board meetings.
- b. Adoption of Revised Board Meeting Calendar
  - After discussion, Ms. Baxton made a motion to change the time of the pre-election meeting scheduled for November 2, 2020 from 5:00 p.m. to 1:00 p.m., to ensure staff has adequate time to process all timely received ballots. The motion was approved by all, 5-0.
  - Mr. Bowens informed the Board that he would put a notice in the paper on the change of meeting time consistent with NCGS 163-230.1(f) for absentee-by-mail review meetings.
- c. Review of Absentee-By-Mail Ballots

- Consistent with Numbered Memorandum 2020-25, Mr. Bowens requested that the Board agree to random spot checking of absentee ballot applications recommended for approval by staff in lieu of reviewing each individual envelope. Following discussion, Ms. Oxendine moved that each Board member randomly spot check 50 absentee-by-mail ballot applications from the total recommended by staff for approval. The motion was approved by all, 5-0.
- Mr. Bowens also requested, consistent with Numbered Memorandum 2020-25, that the Board sign a certification cover sheet, accompanied with a list of approved and rejected ballots, in lieu of denoting approval or rejection on each individual envelope for this meeting and subsequent meetings. Following discussion, Ms. Baxton moved to authorize the Board to sign a certification sheet in lieu of denoting approval or rejection on each absentee-by-mail return envelope consistent with Numbered Memorandum 2020-25. The motion was approved by all, 5-0.
- After discussion and a random physical review of the absentee ballot applications, Chairman Lehman moved to approve a total of 13,519 civilian absentee applications and ballots per the recommendation of staff. The motion was approved by all, 5-0.
- Ms. Baxton moved to authorize staff to open approved absentee-by-mail envelopes and begin the optical scanning process authorized under NCGS 163-234(3) and Numbered Memorandum 2020-25. The motion was approved by all, 5-0.
- Following discussion on SBE Numbered Memo 2020-19, Mr. Gray moved to accept 23 ballots that were in a 'pending cure' status since the voter returned the required cure certification. The motion was approved by all, 5-0.
- Ms. Baxton moved to approve the absentee ballot applications of Beatrice and James Riggsbee that were in pending status based on preliminary review by staff. The container return envelopes were deemed acceptable by the Board. The motion was approved by all, 5-0.
- Mr. Irby moved to approve the absentee-by-mail ballot for Valerie Prince, that was in pending status, after reviewing a possible address issue with the envelope. The motion was approved by all, 5-0.
- Following discussion on 12 absentee-by-mail ballots returned by unauthorized returners, Ms. Baxton moved that Mr. Bowens reach out to the State Board of Elections for clarifying guidance as to the Board's responsibility on these ballots in light of 08 NCAC 18.0102. The motion was approved by all, 5-0. The ballots returned by unauthorized returners will remain in pending status until further guidance is received from the State Board of Elections.
- Following review of military/overseas ballots, along with duplicated ballots consistent with Board policy (BOE-001), Mr. Irby moved to approve 430 military/overseas ballots. The motion was approved by all, 5-0.
- Mr. Irby moved for staff to open a military ballot envelope that was in pending status for a missing signature to determine if it had a signed affirmation as required by law. The motion was approved by all, 5-0. Ms. Baxton made a motion to accept the voter's ballot due to the signed affirmation being inside the ballot envelope. The motion was approved by all, 5-0.

- Mr. Irby moved to spoil Richard Hampton's ballot due to staff finding a note in the container return envelope requesting a new ballot. The motion was approved by all, 5-0.

### **General Discussion**

There was no general discussion.

### **Recess**

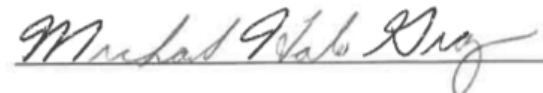
The Board recessed at approximately 10:21 p.m. and agreed to reconvene at 10:00 a.m. on Wednesday September 30, 2020 to continue optically scanning approved ballots on a motion made by Mr. Irby. The motion was approved by all, 5-0.

### **Return from Recess**

The Board came out of recess at 10:08 a.m. on September 30, 2020 and authorized staff to resume scanning approved absentee-by-mail ballots. Chairman Lehman (D), Ms. Oxendine (D), Mr. Irby (R), and Mr. Gray (R) were present for the continuance of optical scanning.

### **Adjournment**

Following completion of scanning, the Board adjourned at approximately 7:30 p.m. on Wednesday, September 30, 2020 on a motion made by Mr. Irby. The motion was approved by all present, 3-0 (Chairman Lehman (D), Mr. Irby (R), and Mr. Gray (R)).



Michael H. Gray  
Secretary