



MEETING MINUTES

Board of Elections Meeting
Thursday, March 18, 2021
9:00 A.M.

Board Members:

Philip A. Lehman, Chairman
Michael H. Gray, Secretary
Dawn Y. Baxton, Member
Pamela A. Oxendine, Member
Gregory D. Irby, Member

Board Members Present: Chairman Philip A. Lehman, Secretary Michael H. Gray, Member Dawn Y. Baxton, Member Pamela A. Oxendine, and Member Gregory D. Irby

Board Staff Present: Elections Director Derek Bowens, Deputy Director Brenda Baker, Systems and Audit Manager Daniel Lassiter, Training Specialist Erin Lewandowski, Election Specialist Rebecca Troedsson, Election Specialist Amy Trice, and Election Specialist Kaylyn Williams

Guests in Attendance: See Attendance Sheet

Meeting Type: In-Person and Zoom

Meeting Opening

Chairman Lehman called the meeting to order at approximately 9:05 a.m. at the Board of Elections Warehouse (2445 S Alston Avenue, Durham, NC 27703) and led the Pledge of Allegiance. Members Dawn Baxton and Gregory Irby were not present until 5:00 p.m.

Approval of Agenda

Mr. Bowens presented the Board with the agenda for the meeting. Following review, Ms. Oxendine moved to approve the agenda as submitted by staff. The motion carried 3-0.

Director's Report

Mr. Bowens provided the Board with information on a recommended voting system to replace the AutoMark ballot marking device. Mr. Bowens also provided the Board with information on the process for conducting an election simulation to test new voting equipment being considered for purchase.

Public Comment

Several comments were provided in the public chat function and through the online submission portal.

New Business

a. Preliminary Recommendation of Voting Systems Purchase

Mr. Bowens requested the Board to approve a preliminary recommendation to the Board of County Commissioners to purchase 75 ExpressVote Ballot Marking Devices, 10 DS200 Precinct Tabulators, 1 DS850 Central Tabulator and to upgrade to the EVS 5.2.4.0 tabulation software. Following discussion, Mr. Gray moved to preliminarily recommend the purchase of 75 ExpressVote Ballot Marking Devices, 10 DS200 Precinct Tabulators, 1 DS850 Central Tabulator, and to upgrade to the EVS 5.2.4.0 tabulation software

consistent with the recommendation of staff to the Board of County Commissioners. The motion carried 3-0.

b. Simulated Election of Voting Systems/Software

Following discussion and introduction of the bi-partisan counting teams, the Board authorized staff to begin the process of simulating 30 DS200 Precinct Tabulators, 4 ExpressVote Ballot Marking Devices, 1 DS850 Central Tabulator, and 1 DS450 Central Tabulator using the EVS 5.2.4.0 tabulation software consistent with G.S. 163-165.9(a)(3)(b) and Numbered Memo 2021-01.

Upon completion of the simulation, all documents required to be presented to the Board consistent with the Standards for a Simulated Election adopted by the State Board of Elections, to affirm the accuracy of the count. Mr. Bowens informed the Board that all records generated from the simulated election would be maintained for 5 years and forwarded to the State Board of Elections as required.

Recess

Following completion of the simulated election, and at approximately 2:00 p.m., Chairman Lehman moved that the Board enter into recess and reconvene at 5:00 p.m. to ensure all Board members were present to consider a final recommendation on voting equipment to the Board of County Commissioners. The motion carried, 3-0.

Return from Recess

Chairman Lehman reconvened the meeting at approximately 5:00 p.m.

c. Final Recommendation of Voting Systems Purchase Pending State Board Authorization

Following discussion and additional public comment, Ms. Baxton moved to make a final recommendation to the Board of County Commissioners to purchase 75 ExpressVote Ballot Marking Devices, 10 DS200 Precinct Tabulators, 1 DS850 Central Tabulator, and to upgrade to the EVS 5.2.4.0 tabulation software with the requirement that Elections Systems and Software (ES&S) place a clause in the proposed purchase contract ensuring a refund on the ExpressVote Ballot Marking Devices if an active lawsuit filed by the NAACP succeeds in court. The motion carried unanimously, 5-0.

Mr. Bowens informed the Board that he would work with ES&S and the State Board of Elections to obtain the equipment contract and submit a request for this proposed purchase to be added to the Board of County Commissioners agenda at a future meeting. The expected total cost of the contract is \$438,510 and will be paid for utilizing existing capital expense funds and Help America Vote Act (HAVA) subgrant funds.

General Discussion

There was no general discussion.

Adjournment

The Board adjourned at approximately 6:30 p.m. on a motion made by Ms. Baxton. The motion carried unanimously, 5-0.

S/Michael H. Gray
Member