



MEETING MINUTES

Board of Elections Meeting
Tuesday, September 12, 2023
5:30 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, Systems Specialist Julius Richards, 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 5:30 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

Two public comments were presented in person and addressed by Mr. Bowens.

New Business

a. Review of Absentee-By-Mail Ballots

- Mr. Bowens presented the Board with 7 Military/Overseas duplicated absentee ballots and applications for approval. Following discussion and physical review, Dr. Weaver moved to approve a total of 7 Military/Overseas duplicated absentee ballots and applications per the recommendation of staff., the motion carried unanimously, 5-0.

Mrs. Oxendine moved to also allow staff to 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.

- The total approved count for the September 12, 2023, meeting was 7 Military/Overseas Ballots.

b. Felony Challenge Hearing – Christopher Langenderfer

- Prior to the hearing, Mrs. Abney provided the Board with applicable statutes and rules governing the hearing process. Following this, Mr. Bowens and Mrs. Abney were sworn in by Chairwoman Baxton to begin the hearing. Mr. Langenderfer was not present for the hearing. Mr. Bowens explained that Mr. Langenderfer was pending removal from the voter registration roles due to an active felony conviction, to which he appealed, stating that he was convicted of a misdemeanor, not a felony.

After reviewing court records provided by Mrs. Abney proving that Mr. Langenderfer had not been convicted of a felony but rather a misdemeanor, the Board began discussions as to whether they could revisit the determination of probable cause during the preliminary hearing. Following discussion and consultation with the State Board of Elections General Counsel's office, Mr. Beskind moved to close the challenge hearing and re-open the preliminary hearing to reevaluate the determination of probable cause. The motion carried unanimously, 5-0.

Following the evaluation and discussion of the evidence provided by Mrs. Abney, Mr. Beskind moved to dismiss the challenge as probable cause under NCGS 163-85(d) did not exist that Mr. Langenderfer is not qualified to vote. The motion carried unanimously, 5-0. Chairwoman Baxton instructed Mrs. Abney to prepare an order on the Board's decision.

c. Resolution to Adopt a Time for Counting Absentee Ballots

- Mr. Bowens presented the Board with a Resolution to Adopt a Time to Count Absentee Ballots. Following review and discussion, Mrs. Oxendine moved to adopt the resolution as presented by staff. The motion carried unanimously, 5-0. Pursuant to the resolution, the Board will meet at 2:00 p.m. on Election Day, October 10, 2023, to count approved absentee ballots and again on October 16, 2023, at 2:00 p.m., to count supplemental absentee and provisional ballots.

d. Approval of 2023 Municipal Primary and Election Machine Logic and Accuracy Testing

- Mr. Bowens presented the Board with a certification document verifying logic and accuracy of all equipment being used for the October 10, 2023, Municipal Primary Election. Following discussion and review, Dr. Weaver moved to accept the certification document for logic and accuracy testing. The motion carried unanimously, 5-0. The document will be executed by Chairwoman Baxton.

General Discussion

- Mr. Bowens informed the Board of scheduled Community Events.
- Municipal Elections Chief Judge and Judge Substitutes List is forthcoming.

Adjournment

The Board adjourned at approximately 7:15 p.m. on a motion made by Mrs. Oxendine. The motion carried unanimously, 5-0.

S/David K. Boone
Secretary