

BOARD OF ELECTIONS

Ken Raymond
Chairman

Stuart Russell
Secretary

Fleming El-Amin
Member



Robert H. Coffman
Director of Elections

Lamar Joyner
Deputy Director

FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING MINUTES – AUGUST 20, 2013

Meeting Called to Order

A statutory meeting of the Forsyth County Board of Elections was held in the Fourth Floor Meeting Room on August 20, 2013. Per NCGS 163-31, 'the county board of elections shall meet and appoint precinct chief judges and judges of elections'. Per NCGS 163-230.1 (c1), 'the county board of elections shall hold one or more public meetings each Tuesday at 5:00 PM for the purpose of action on applications for absentee ballots'. The meeting convened at 6:00 PM, Chairman Ken Raymond presiding.

Board Members in attendance: Chairman Ken Raymond, Secretary Stuart Russell,
Member Fleming El-Amin

Staff Members in attendance: Director Robert Coffman, Joshua Chunn, Chris Duffey,
Judy Speas, Jacob Wright
Assistant County Attorney Lonnie Albright

WSSU Early Voting Site

Chairman Raymond began the meeting with a statement regarding the Winston-Salem State University Early Voting site before the agenda items.

'A lot of interest has been generated about whether or not this Board will continue to use the Anderson Center at WSSU as a voting site. Since the Anderson Center will not be used in the municipal races this year and will likely be considered for the Congressional elections next year, any decision will be made during that time. At that time, all concerns about the continued use of WSSU will be heard. That includes my concerns and anyone else who wishes to speak on this matter. To hold a public comment session on this issue would be very premature. Therefore, we will hold a public comment session on this issue at a more appropriate time when it comes up to the Board next year. So, therefore, no decision will be made tonight and will be considered again next year during the Congressional races. At that time, all discussions and concerns will be heard about continued use of the Anderson Center at WSSU.'

Mr. Coffman acknowledged the fact that WSSU has never been used as an Early Voting site during the municipal elections.

Chairman Raymond then opened a public comment session about any election issues other than the WSSU Early Voting site. Public speaker cards were completed and two minutes were allowed for each speaker. Public speakers included:

Bobby Wilson
Paul Lowe
Derwin Montgomery
Linda Sutton

With no other speakers present, Chairman Raymond declared the public session closed.

Approval of Minutes

Secretary Russell mentioned a few minor changes to be added to the minutes of July 30, 2013 and August 12, 2013. Secretary Russell also questioned Mr. Coffman whether the past minutes had included the identification of speakers in public comment sessions. Mr. Coffman stated that speakers were identified but that their comments were not paraphrased in the minutes. The Board members agreed that quoting specific comments could be problematic. Secretary Russell moved and Member El-Amin seconded a motion to be consistent with Boards in the past and to identify people who have spoken in the public comment session but refrain from trying to paraphrase or indicate what they said during a public comment session. Chairman Raymond asked for a vote on the motion with the intention to amend the motion. Member El-Amin voted aye; Chairman Raymond and Secretary Russell voted nay. **Motion failed.**

Chairman Raymond acknowledged that it may be that public comments should sometimes be mentioned in the minutes; for example, the support of an election issue. Secretary Russell moved for the Board to identify those who speak in the public comment session but to retain the discretion to indicate whether they spoke on a position one way or the other. Chairman Raymond seconded the motion. **Motion passed unanimously.**

Secretary Russell stated that; therefore, to be consistent with the motion that passed, the Clerk should be certain that the July 30, 2013 minutes identify the speakers at the meeting. Secretary Russell moved and Chairman Raymond seconded a motion to approve the Board minutes of July 16, July 30, and August 12, 2013. **Motion passed unanimously.**

Approval of Absentee Ballots Returned

Mr. Coffman briefly explained the process of returned absentee ballots and introduced Joshua Chunn, Absentee Ballot Coordinator. He stated that voters are always contacted if their absentee ballot fails the approval process. Mr. Chunn presented the Board with a report of nine approved absentee ballots. He stated that 171 ballots had been mailed for the 2013 Winston-Salem Primary at that time. Chairman Raymond asked for a motion to accept the absentee ballots. Member El-Amin moved and Secretary Russell seconded a motion to accept the approval of the returned absentee ballots. **Motion passed unanimously.**

Appointment of Precinct Judges

Mr. Coffman discussed the lists of precinct judges from the Republican and Democratic parties. Judges would be required to undergo pre-election training and the terms would be held for two years. Board members held a discussion on the requirements to be a precinct judge. Chairman Raymond moved and Secretary Russell seconded a motion to accept the lists of precinct judges. **Motion passed unanimously.**

Board Member Comments outside of Meetings

Member El-Amin reminded the Board members of NCGS 163-39, Limitation on political activities and read the statute for clarification:

No individual subject to this Article shall:

- (1) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.
- (2) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum proposals.
- (3) Solicit contributions for a candidate, political committee, or referendum committee.

Individual expressions of opinion, support, or opposition not intended for general public distribution shall not be deemed a violation of this Article.

Member El-Amin stated that, as a Board, they should be mindful if making public statements. The Board should govern themselves accordingly with the general statutes. Chairman Raymond thanked Member El-Amin and stated that he is in agreement that there should be transparency in government at any level. Secretary Russell agreed with the thoughts.

Voter Registration Drives

Chairman Raymond distributed a Voter Registration Drive Policy statement to the Board members and staff. He stated that he had consulted the legality of the Voter Registration Drive Policy with Assistant County Attorney Lonnie Albright. Chairman Raymond stated that he was concerned about public comments heard on an audio tape. Comments were of no faith in the Forsyth County Board of Elections. Chairman Raymond read the motion:

Motion to Adopt Voter Registration Drive Policy.

I make a motion that the Forsyth County Board of Elections adopts a policy that requires any organization, or individual, that conducts a voter registration drive to fill out a form upon return of the voter registration forms. The form will state the name of the organization, its address, phone number, and email. The form will also require the name of the individual that returns the forms and the number of completed forms returned. Additionally, the forms will be kept on file in a manner provided by the Board of Elections staff indefinitely.

And if the organization, or individual, refuses to comply with this policy by not completely filling out the return form, then the Forsyth County Board of Elections will not accept their voter registration forms until they are in compliance with this policy. And this policy will go into effect immediately upon approval of a sample return form by the Forsyth County Board of Elections.

Chairman Raymond stated that he had reviewed the voter registration process with staff during a tour of the Board of Elections office. At that time, a voter registration drive return form was unavailable. This motion would provide a method to contact the organization that returned the forms. Chairman Raymond stated that the legality of accepting the voter registration forms had been discussed with Mr. Albright. The county board is free to adopt a policy regarding voter registration drives which would restore confidence in the Board of Elections. Chairman Raymond asked for discussion of the topic.

Member El-Amin stated that he would never agree to anything that would discourage people from the voter registration process. He failed to see the benefit of the policy for reasons of:

- Too many people are not getting involved.
- While representing all people of Forsyth County, no one has complained of the process of voter registration.
- It insults my integrity to adopt a policy to show we don't trust the citizens.

Member El-Amin stated that the policy is ill-conceived and he will not vote for it.

Secretary Russell stated that, after listening to both sides of the issue there could be legitimate reasons to adopt the policy. However, since the motion was just introduced, he would like to table the motion until the next meeting and seek counsel from the State Board of Elections. Secretary Russell moved and Member El-Amin seconded a motion to table Chairman Raymond's Motion to Adopt Voter Registration Drive Policy and to seek counsel from the State Board of Elections about the concerns. **Motion passed unanimously.** Mr. Coffman asked permission and Chairman Raymond agreed that he contact the general counsel at the State Board of Elections.

Review of Chair and Secretary Responsibilities

Member El-Amin read from the statutes:

NCGS 163-33.1, Power of chairman to administer oaths.

The chairman of the county board of elections is authorized to administer to election officials specified in Articles 4, 5, and 20 of this Chapter the required oath, and may also administer the required oath to witnesses appearing before the county board at a duly called public hearing.

NCGS 163-33.2, Chairman and county board to examine voting machines.

Prior to each primary and general election the chairman and members of the county board of elections, in counties where voting machines are used, shall test vote, in a reasonable number of combinations, no less than ten percent (10%) of all voting machines programmed for each primary or election, such machines to be selected at random by the board after programming has been completed, and further, the board shall record the serial numbers of the machines test voted in the official minutes of the board. In the alternative, the board may cause the test voting required herein to be performed by persons qualified to program and test voting equipment.

Member El-Amin stated that these particular statutes detail the responsibilities of the chairman and should apprise all of the board members of their duties. Board members should be very careful in making public statements with the media in order to maintain the public trust. Chairman Raymond thanked Member El-Amin for his statements.

Other Business

Chairman Raymond distributed a statement regarding building security during One-Stop Voting to the Board members and staff. The statement was a motion to acquire a minimum of two security officers for the task of assisting election workers during One-Stop Voting. Chairman Raymond read the motion:

Motion to Acquire a Minimum of Two Building Security Officers to Assist Election
Workers During the One-Stop Voting Period.

WHEREAS, It is the responsibility of election workers to maintain order inside the voting enclosure according to G.S. 163-47 (a) and...

WHEREAS, during a public meeting of the Forsyth County Board of Elections on Feb. 7, 2011 several Forsyth County citizens alleged that election law violations according within the voting enclosure during the 2009 municipal elections and...

WHEREAS, it is the responsibility of the Forsyth County Board of Elections, and its staff, to ensure compliance with election laws and maintain the confidence of the public in the elections process.

BE IT RESOLVED THAT THE FORSYTH COUNTY BOARD OF ELECTIONS WILL ACQUIRE A MINIMUM OF TWO BUILDING SECURITY OFFICERS SPECIFICALLY TO HELP ELECTION WORKERS MAINTAIN ORDER AT THE GOVERNMENT CENTER DURING ONE-STOP VOTING.

Chairman Raymond entertained discussion of the motion. Member El-Amin asked for Mr. Coffman's reaction. Member El-Amin questioned how the cost of securing two officers would be funded. Mr. Coffman stated that it would be an additional cost from the private security company that was not currently budgeted. Whenever the building is open, there are a sufficient number of security guards that could be easily dispatched for a public safety issue or for first aid at the One-Stop location. Member El-Amin questioned the phrase 'to maintain order' in the motion. Chairman Raymond explained an example of prohibited electioneering. Member El-Amin expressed concerns of a Gestapo image at the voting location and stated that he would rather there be a harsher penalty for electioneering than to place security officers there. Secretary Russell stated that research should be done on the additional cost and to study the intention of the motion. Secretary Russell moved and Member El-Amin

seconded a motion to table Chairman Raymond's motion regarding security guards at One-Stop Voting until further investigation by the Board members. **Motion passed unanimously.**

Closed Session

Chairman Raymond moved and Secretary Russell seconded a motion for closed session by stating: I move that the Board go into closed session:

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded (NCGS 143-318.11(a)(3).

Motion carried and the Board members went into closed session at 6:59 PM. Board members exited closed session at 7:03 PM.

Adjournment

Secretary Russell reminded the Board members that Mr. Coffman should contact the NC State Board of Elections counsel to review Chairman Raymond's Motion to Adopt Voter Registration Drive Policy. Secretary Russell moved and Chairman Raymond seconded the motion to adjourn the meeting. **Motion carried unanimously** and the meeting was adjourned at 7:05 PM.

Approved:

Ken Raymond, Chair

Date

Stuart Russell, Secretary

Date

Fleming El-Amin, Member

Date

Attachments on File: Democratic Party and Republican Party Precinct Official Listing

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