MINUTES
March 12, 2020
10:00 P.M.
Wake County Board of Elections

Chair Greg Flynn called the regularly scheduled meeting of the Wake County Board of Elections to order at 10:00 a.m. Present for the meeting were Greg Flynn, Erica Porter, Gerry Cohen, Angela Hawkins, Director Gary Sims, Deputy Director Olivia McCall, and staff members Shanya Scott, Ariel Bushel, Laura Russell, Lauren Nelson, Sarah Malcom, Matt Guess, Jacqueline Cameron, Evan Wingate, Luwam Zerray. Keith Weatherly was not in attendance but was available via telephone.

The Board lead the Pledge of Allegiance.

On motion by Erica Porter, second by Angela Hawkins, the Board approved the Agenda as presented.

On motion by Keith Weatherly, second by Angela Hawkins, the Board unanimously approved the minutes from the March 2, 2020, and March 3, 2020, board meetings.

Chair Greg Flynn opened the floor for public comments.

Chair Greg Flynn stated under state law there is no provision to require posting of poll tapes. The state law allows counting at the end of the day for anyone present and the Judge can announce results. All materials are returned in a secure process that does not allow public interference. If other counties are allowing this, they are not following NC State Board of Election procedures which requires filing security plans with the State Board and they will be reported.

On motion by Erica Porter, second by Angela Hawkins, the Board directed staff to begin the sample hand/eye count, performed by bi-partisan teams, for precincts 04-03 and 04-16 as chosen by the North Carolina State Board of Elections.

Director Gary Sims presented 1,079 supplemental Civilian absentee ballot container envelope applications.

After review, on motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously moved to approve 1,079 supplemental Civilian absentee ballot container envelope applications and directed staff to open, flatten, straighten, and tabulate the approved absentee by mail ballots.

Director Gary Sims presented 7 Civilian absentee ballot container envelope applications with unclear postmarks on the envelopes

After review, on motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously moved to approve CIV-4578.

After review, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously moved to approve CIV-2827.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously moved to approve CIV-4446.

After review, on motion by Greg Flynn, second by Angela Hawkins, the Board unanimously moved to deny 4 Civilian absentee ballot container envelope applications CIV-2598, CIV-1583, CIV-4396, and CIV-4286.

Director Gary Sims presented 2 Civilian absentee ballot container envelope applications where the witness signature is missing for board review.

After review, on motion by Greg Flynn, second by Gerry Cohen, the Board unanimously moved to deny Civilian absentee ballot container envelope application CIV-3871.

After review, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously moved to deny Civilian absentee ballot container envelope application CIV-4320.

Director Gary Sims presented 29 Military and 210 Overseas replicated e-mail absentee ballots and absentee ballot container envelope applications received by mail.

After review, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously approved 29 Military and 210 Overseas replicated e-mail absentee ballots and absentee ballot container envelope applications received by mail.

Director Gary Sims presented 1 absentee ballot where the ballot was cut off for board review.

Director Gary Sims presented 1 absentee ballot where the ballot had a write in for a candidate for board review.

Gerry Cohen motioned to add the candidate name to the replicated ballot.

Gerry Cohen withdraws the motion.

After further review, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously moved to approve the Overseas absentee ballot as replicated.

After review, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously moved to deny Overseas absentee ballot OVR-157.

On motion by Erica Porter, second by Angela Hawkins, the Board directed staff to open, flatten, straighten, and tabulate the approved Military and Overseas absentee by mail ballots.

The Board recessed at 11:40 a.m.

The Board reconvened at 11:47 p.m.

Director Gary Sims presented 32 absentee ballots that were postmarked after the Election Day deadline or had no postmark.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously moved to deny 32 Civilian absentee ballot container envelope applications.

Director Gary Sims presented 23 absentee ballots with no voter signature.

After review, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously moved to deny 23 Civilian absentee ballot container envelope applications and directed staff to refer CIV-4788 to the Secretary of State for missing notary witness signature.

Director Gary Sims presented 14 absentee ballots with witness information missing.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously moved to deny 14 Civilian absentee ballot container envelope applications.

Director Gary Sims presented 1 Overseas absentee ballot where it was returned after deadline.

Director Gary Sims presented 3 Overseas absentee ballots where the affirmation signature was missing.

Director Gary Sims presented 5 Overseas absentee ballots where the affirmation was missing.

After review, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously moved to deny a total of 9 Overseas absentee ballots.

The Board recessed at 12:10 p.m.

The Board reconvened at 1:15 p.m.

Staff member Laura Russell presented 1,250 provisional ballots recommended for approval.

After review, on motion by Erica Porter, second by Gerry Cohen, the Board approved the 1,250 provisional ballots and directed staff to open, flatten, straighten, and tabulate approved provisional ballots.

Staff member Laura Russell presented 192 provisional ballots recommended for partial approval.

After review, on motion by Erica Porter, second by Angela Hawkins, the Board partially approved 192 provisional ballots, directed staff to replicate the partially approved provisional ballots in bi-partisan teams, and directed staff to open, flatten, straighten, and tabulate the approved and partially approved provisional ballots.

Staff member Laura Russell presented 860 provisional ballots where the voters voted different ballot style from their registered party.

After review, on motion by Gerry Cohen, second by Erica Porter, the Board unanimously denied the 860 provisional ballots presented.

After review of approved provisional ballots, Board of Elections staff found 5 ballots that should be considered partial approval.

After review, on motion by Gerry Cohen, second by Erica Porter, the Board moved for the 5 provisional ballots (P 01-04-06, P 01-19-01, P 11-01-03, P 04-18-05, and P 04-16-01) to be deducted from the recommended approval be added to the recommended partial provisional ballots.

Staff member Laura Russell presented 380 provisional ballots where the voters were not registered in Wake County.

After review, on motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously denied the 380 provisional ballots.

Staff member Laura Russell presented 154 provisional ballots where the voters were removed due to registration in another county or state.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously denied the 154 provisional ballots.

Staff member Laura Russell presented 137 provisional ballots where the voter submitted a voter registration application after the February 7, 2020 voter registration deadline for the March Primary Election.

After review, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously denied the 137 provisional ballots.

Staff member Laura Russell presented 28 provisional ballots where the voter moved out of the county more than 30 days ago.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously denied the 28 provisional ballots.

Staff member Laura Russell presented 19 provisional ballots where the voter registration was denied for voter card returned undeliverable.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously denied the 19 provisional ballots.

Staff member Laura Russell presented 18 provisional ballots where the voter was not eligible to vote in the March Primary Election.

After review, on motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously denied the 18 provisional ballots.

Staff member Laura Russell presented 16 provisional ballots where the voter needs to provide HAVA ID by the deadline of March 12, 2020 at 5:00 p.m.

After review, on motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously conditionally denied the 16 provisional ballots if a HAVA ID is not provided by March 12, 2020 at 5:00 p.m.

Staff member Laura Russell presented 7 provisional ballots where the voter cast a ballot on Election Day after the voter's pollbook label was mistakenly pulled by a Precinct Official.

After review, on motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously approved the 7 provisional ballots.

Staff member Laura Russell presented 5 provisional ballots where the voter placed their first ballot in the tabulator blank during early voting.

After review, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously approved the 5 provisional ballots and directed staff to open, flatten, straighten, tabulate approved provisional ballots, and change the early voting record to not include the blank ballots.

Staff member Laura Russell presented 4 provisional ballots where the voter voted provisionally and placed their provisional ballot in the tabulator during Election Day. 3 of the provisional ballots are retrievable and 1 ballot could not be identified.

After review, on motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously conditionally approved 3 provisional ballots pending review (P 08-10-08, P 01-34-02 and P 04-05-07).

The Board will review provisional ballot P 01-13-01 after further review and research.

Staff member Laura Russell presented 2 provisional ballots where a Precinct Official placed the voter's first ballot in the tabulator blank during early voting.

After review, on motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously approved the 2 provisional ballots.

Staff member Laura Russell presented 1 provisional ballot where the voter placed the first ballot in the tabulator blank during Election Day.

After review, on motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously denied the 1 provisional ballot.

Staff member Laura Russell presented 1 provisional ballots where the voter placed their first ballot in the tabulator blank during early voting.

After review, on motion by Angela Hawkins, second by Erica Porter, the Board unanimously approved the 1 provisional ballot.

Staff member Laura Russell presented 1 provisional ballot where the voter placed a ballot in the tabulator and then indicated they moved 30 days or more during early voting.

After motion, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously moved to deduct the count for early voting by removing 1 ballot and then count the approved provisional ballot.

Staff member Laura Russell presented 1 provisional ballot where the voter cast a ballot on Election Day and stated they did not see the vote count change on the tabulator.

After motion, on motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously denied the 1 provisional ballot.

Staff member Laura Russell presented 1 provisional ballot where the voter refused to state name, address, and party affiliation.

After motion, on motion by Erica Porter, second by Gerry Cohen, the Board unanimously approved the 1 provisional ballot.

Staff member Laura Russell presented 1 provisional ballot where the voter casted a ballot and staff could not verify residential address.

After motion, on motion by Erica Porter, second by Angela Hawkins, the Board unanimously conditionally denied the 1 provisional ballot if the voter does not contact the Board of Elections before Canvass at 11am March 13, 2020.

On motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously directed staff to open, flatten, straighten, and tabulate approved provisional ballots.

Director Gary Sims requested for 12 emergency bin absentee ballots to be replicated by bi-partisan teams for tabulation.

On motion by Erica Porter, second by Gerry Cohen, the Board unanimously approved replication of 12 absentee ballots by bi-partisan teams.

The Board recessed at 4:07 p.m.

The Board reconvened at 4:12 p.m.

Director Gary Sims requested for 5 emergency bin provisional ballots to be replicated by bi-partisan teams for tabulation.

On motion by Angela Hawkins, second by Erica Porter, the Board unanimously approved replication of 5 provisional ballots by bi-partisan teams.

Director Gary Sims presented precinct 01-21 where a Precinct Official found a ballot in the Automark that was not casted in the tabulator. The ballot was spoiled and placed in the emergency bin.

On motion by Gerry Cohen, second by Erica Porter, the board unanimously directed the staff to replicate the approved ballot.

Director Gary Sims presented precincts 04-05, 04-06, 07-07A, 09-02, 16-07, and 19-18 where there were one or more emergency bin ballots.

On motion by Erica Porter, second by Angela Hawkins, the board unanimously directed the staff to replicate the 7 approved ballots.

Director Gary Sims presented precincts 05-08 and 17-05 where there were ballot jams on Election Day and ran ballots through the DS850 Tabulator to match Authorization To Vote total.

On motion by Angela Hawkins, second by Erica Porter, the Board unanimously approved to reconcile the ballot jams in precincts 05-08 and 17-05.

The Board reviewed the hand/eye count results. Director Gary Sims will send the results to the North Carolina State Board of Elections.

Director Gary Sims presented 1 emergency bin ballot for the Board to determine voter intent on ballot for the NC Treasurer contest.

After review, on motion by Angela, second by Gerry Cohen, the Board unanimously determined the voter's intent for NC Treasurer contest in precinct 04-06. Board Member Angela Hawkins replicated the ballot.

The Board recessed at 4:38 p.m.

The Board reconvened at 10:00 a.m. on March 13, 2020.

Staff member Lauren Nelson presented 58 additional provisional ballots recommended for approval because the voter attempted to register at the Department of Motor Vehicles prior to the voter registration deadline and from previous board review.

On motion by Erica Porter, second by Gerry Cohen, the board unanimously approved 58 additional provisional ballots.

Staff member Lauren Nelson presented 1 ballot recommended for partial approval due to receiving incorrect ballot style.

On motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously moved to partially approve the 1 provisional ballot and to open, flatten, and straighten approved and partial approved provisional ballots.

Angela Hawkins and Greg Flynn replicated the ballot.

Staff member Lauren Nelson presented 15 provisional ballots that did not provide voter ID before the deadline on March 12, 2020 at 5:00 p.m.

On motion by Angela Hawkins, second by Erica Porter, the Board unanimously denied the 15 provisional ballots due to not providing HAVA ID.

Staff member Lauren Nelson presented 3 provisional ballots where the voter casted a provisional ballot in the tabulator, but the voter received the incorrect ballot style or did not reside in Wake County. 2 provisional ballots were retrievable and 1 provisional ballot could not be identified.

On motion by Gerry Cohen, second by Angela Hawkins, the Board unanimously denied the 2 provisional ballots and directed staff to adjust the precinct totals tape and denied the 1 provisional ballot with no additional action taken .

Director Gary Sims presented 2 additional Overseas absentee ballots timely postmarked and received by 5pm March 12, 2020.

On motion by Angela Hawkins, second by Erica Porter, the Board unanimously approved the 2 Overseas absentee ballots and to open, flatten, straighten and tabulate the 2 approved absentee ballots.

There being no further business, the Board adjourned the meeting at 10:59 a.m.

Respectfully submitted,

Keith H. Weatherly

Keith H. Weatherly, Secretary
Wake County Board of Elections