

MINUTES
February 25, 2020
3:00 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 3:00 p.m. Present for the meeting were Greg Flynn, Keith Weatherly, Erica Porter, Gerry Cohen, Angela Hawkins, Director Gary Sims, Deputy Director Olivia McCall, and staff members Shanya Scott and Ariel Bushel.

The Board lead the Pledge of Allegiance.

Chair Greg Flynn requested an amendment to the Agenda to hear from Wake County attorneys regarding the notary requirements referenced in North Carolina State Board of Elections Numbered Memo 2020-07 titled Deficiencies in Notary Portion of Absentee Container Return Envelope.

Chair Greg Flynn suggested that this amendment be placed after item V on the Agenda.

On motion by Erica Porter, second by Gerry Cohen, the Board unanimously approved the Agenda as amended.

On motion by Angela Hawkins, second by Erica Porter, the Board unanimously approved the minutes from the February 18, 2020 board meeting.

Chair Greg Flynn opened the floor for public comments.

The Board heard from Wake County attorneys regarding the notary requirements referenced in North Carolina State Board of Elections Numbered Memo 2020-07 titled Deficiencies in Notary Portion of Absentee Container Return Envelope.

The Wake County attorneys discussed this matter with the General Council at the North Carolina State Board of Elections (NCSBOE). The General Council at the NCSBOE expressed concerns with county boards deviating from Numbered Memo 20-07.

Keith Weatherly stated that Mecklenburg County Board of Elections Board Members unanimously voted to require a notary seal.

The Wake County attorneys asked the NCSBOE about this matter and this information did not reach the General Council at that time.

The Wake County attorneys stated the NCSBOE would make further evaluation of Numbered Memo 20-07 before the November 2020 General Election.

Angela Hawkins asked the Wake County attorneys their interpretation of the numbered memo.

The Wake County attorneys stated the statute instructions make the county boards adhere to NCGS 163.

Gerry Cohen interpreted the numbered memo in that a notary leaving off the notarial seal and expiration date would not invalidate an absentee ballot.

Keith Weatherly motioned for the Board to determine validity of absentee ballots by either having two witnesses or a valid notary public with a signature and a notarial seal. Angela Hawkins seconded the motion.

During discussion, Chair Greg Flynn stated that county boards are required by state law to follow directives of the NCSBOE.

Angela Hawkins stated that the county boards are also bound by state law and to follow NCGS 163.

After further discussion, the Board took a vote on the motion. Keith Weatherly and Angela Hawkins voted to approve the motion. Erica Porter, Greg Flynn, and Gerry Cohen opposed the motion. The motion fails.

On motion by Erica Porter, second by Angela Hawkins, the Board unanimously directed staff to run absentee by mail ballots approved on February 18, 2020 through the DS850 High Speed Tabulator.

Director Gary Sims presented 473 Civilian absentee ballot container envelope applications to the Board.

On motion by Gerry Cohen, second by Erica Porter, the Board unanimously approved 473 Civilian absentee ballot container envelope applications and to open and flatten the approved absentee by mail ballots and hold them in a secure location in preparation of running them through the DS850 High Speed Tabulator at a future scheduled board meeting.

Director Gary Sims presented 6 Military and 48 Overseas replicated e-mail ballots and absentee ballot container envelope applications received by mail.

On motion by Angela Hawkins, second by Gerry Cohen, the Board unanimously approved 6 Military and 48 Overseas replicated e-mail ballots and absentee ballot container envelope applications received by mail and to open and flatten the approved absentee by mail and replicated e-mail ballots and hold them in a secure location in preparation of running them through the DS850 High Speed Tabulator at a future scheduled board meeting.

Under New Business, on motion by Keith Weatherly, second by Gerry Cohen, the Board directed Wake County Board of Elections staff to post board meeting minutes on the Wake County Board of Elections website as approved by the Board without attachments provided in the meeting. The attachments are accessed by a public record request.

The Board signed the zero tape and results tape of the absentee by mail ballots approved on February 18, 2020 ran through the DS850 High Speed Tabulator.

There being no further business, the Board adjourned the meeting at 3:57 p.m.

Respectfully submitted,


Keith H. Weatherly, Secretary
Wake County Board of Elections