

MINUTES

September 25, 2020

4:00 P.M.

Wake County Board of Elections – Teleconference

Chair Greg Flynn called the regularly scheduled meeting of the Wake County Board of Elections to order at 4:00 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.

On motion by Keith Weatherly, second by Angela Hawkins, the Board unanimously approved the Agenda as presented.

Chair Greg Flynn read the proposed resolution in reference to North Carolina State Board of Elections Numbered Memo 2020 – 25.

On motion by Gerry Cohen, second by Keith Weatherly, the Board moved the adoption of the resolution.

After discussion, the Board unanimously approved the attached resolution.

There being no further business, the meeting adjourned at 4:49 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith H. Weatherly", is written over a horizontal line. The signature is fluid and cursive.

Keith H. Weatherly, Secretary

Wake County Board of Elections



RESOLUTION

WHEREAS, GS 163-35(d) gives a county board of elections authority to delegate to its director “so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be vested in the board of its members as the county board of elections may see fit.”; and

WHEREAS, the Wake County Board has by precedent and prior resolution or motion delegated many administrative duties to the Director and staff including those related to NC GS 163 Subchapter VII Absentee Voting; and

WHEREAS, a county board may not delegate to a director or other staff any of its quasi-judicial or policymaking duties and authority; and

WHEREAS, the State Board of Elections issued Numbered Memo 2020-25 stating that “the county board should determine which preparatory tasks staff can complete prior to absentee board meetings. A delegation of administrative duties by the board to the director or staff should occur by majority vote. The delegation may be by resolution or the approved motion should be documented in the minutes. It should delegate specific preparatory steps that staff can perform prior to absentee board meetings, and the delegation must provide for oversight by the board.

THEREFORE, BE IT RESOLVED, that the Wake County Board of Elections affirmatively delegates to the Director, and to staff at the Director’s discretion, all administrative duties that, by precedent and prior resolution or motion, have been delegated to the Director and may be delegated to the Director in accordance with NC GS 163 Subchapter VII Absentee Voting, including Article 20 Absentee Ballot and Article 21A Uniform Military and Overseas Voters Act, and State Board Numbered Memo 2020-25, not including any of the Board’s quasi-judicial or policymaking duties and authority and not including any duties it may reserve for itself. This delegation does not include curing a witness or assistant deficiency by voter certification, but does include administrative duties related to spoiling such a ballot and reissuing a new ballot.

This 25th day of September, 2020.



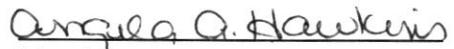
Chair



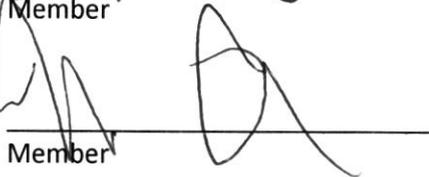
Secretary



Member



Member



Member