

## March 12, 2020

The Cumberland County Board of Elections met at the Board of Elections Office at 3:00pm for a Provisional Meeting, and continued to a 5:00PM Absentee Meeting.

**Present:** Floyd Johnson, Chairman  
Bobby Swilley, Member  
Terri Robertson, Director  
Linda Devore, Secretary  
Helen Nelson, Member

**Staff:** Angie Amaro, Vicki Hilburn, and Kathleen Johnson

**Guests:** Ethelyn H Baker

Chairman Floyd Johnson called the meeting to Order at 3:00PM and presented the Agenda.

**ACTION:** Secretary Devore moved to approve the Agenda as presented.  
Seconded and approved unanimously.

Director Robertson presented 376 provisional ballots for consideration by the board members. Two staff members have each independently checked for registrations, and the State Board staff has run them through their audit system. 19 ballots identified by the State staff have been re-checked by our staff.

Staff recommend:

- 109 ballots be fully approved
- 11 ballots be partially approved - voted in the wrong precinct
- 254 ballots not be approved
- 2 ballots from one voter who cast a ballot at one-stop and another on Election Day

Director Robertson explained that the voter who cast two provisional ballots first voted at one-stop, was attempting to register and vote same-day, but did not present the required ID. The voter was advised to bring the required ID to the BOE office before 5:00 today (March 12<sup>th</sup>) in order for the ballot to be counted. However, the voter returned on Election Day and cast another provisional ballot. Note on the provisional envelope states that the voter recently moved from another county. The questions before the board are whether to accept either ballot, as well as whether to refer this voter for investigation to the State Board for attempting to vote twice.

Secretary Devore stated that the voter appears to have been confused rather than attempting voter fraud, and would be inclined to give the voter the benefit of the doubt, however neither provisional ballot can be accepted.

Member Swilley suggested we attempt to contact the voter one more time to hear their story.

Board Members agreed to table this discussion until our 5:00 meeting.

Director Robertson reported that staff researched each of the 376 provisional ballots to determine whether the voter was eligible, and whether they were properly registered or had

attempted to properly register. The 11 ballots recommended for partial approval are from voters voting in the wrong precinct.

Staff provided each board member with a detailed report of the reasons for each provisional ballot not recommended for full approval.

**ACTION:** Member Swilley moved to fully accept and count the 109 provisional ballots recommended by staff.  
Seconded and passed unanimously.

**ACTION:** Secretary Devore moved to partially accept the 11 provisional ballots recommended by staff, and count the eligible votes on those ballots cast for candidates in the voters' districts.  
Seconded and passed unanimously.

Summary of the staff report of 254 provisional ballots not recommended for approval due to improper registration were provided to each board member. Nearly 100 voters requested and completed a party ballot from one party, while registered in another party.

**ACTION:** Member Swilley moved to follow the staff recommendation and not accept the 254 provisional ballots from voters determined to be improperly registered to cast the ballot they requested.  
Seconded and passed unanimously.

Director Robertson reported a follow-up on the AU-01 vote count from our Tuesday meeting. After speaking with the Chief Judge, it was determined that a blank ballot was found at the end of Election Day and inserted into the ballot box. We will open the sealed ballot box and identify the blank ballot before Canvass.

Chairman Johnson placed the board in recess at 4:07PM, awaiting the 5:00PM Absentee Meeting.

Chairman Johnson called the meeting back in order at 5:00PM for an Absentee Meeting.

Vickie Hilburn reported to the Board that we have received an additional 120 absentee ballots recommended by staff for acceptance. 70 civilian, 37 military, and 13 civilian overseas ballots. 34 of the military ballots and 12 of the civilian overseas ballots were received by email.

Director Robertson reported that another 33 ballots have issues.

19 ballots were missing the voter's signature, 4 did not have a postmark, 6 were postmarked late, and one military ballot signature was dated March 6<sup>th</sup> and postmarked March 6<sup>th</sup>--which was three days after the election. Staff recommends these 30 ballots not be accepted.

Three ballots have issues that need to be discussed. One voter signed his absentee ballot request form, but his name is printed on the signature line of the ballot envelope. The two signatures do not appear to be from the same person. The voter resides in a residential facility.

**ACTION:** Member Swilley moved to not accept the ballot with a name printed on the signature line.

**ACTION:** Secretary Devore offered an amended motion to not accept the ballot, and also refer this ballot and ballot request form to the State Board for further investigation.

**ACTION:** Member Swilley accepted the amendment to forward the ballot and ballot request form to the State Board for further investigation. The amendment was moved, seconded, and passed unanimously.

**ACTION:** Member Swilley moved the amended motion before the Board to not accept the ballot, and refer to the State Board for further investigation. Seconded and passed unanimously.

On another ballot envelope, the voter signature does not appear to match the voter signature on record, but appears similar to the family member who witnessed. Secretary Devore stated that she has more concern with unauthorized assistance in a residential facility than by a household family member.

**ACTION:** Member Nelson moved to not accept the ballot presented. Seconded and passed unanimously.

**ACTION:** Member Nelson moved to refer this ballot to the State Board for further investigation. Seconded and passed. Devore abstained.

Director Robertson reported that the third of three ballots presented with issues was delivered to our office window by a sister of the voter. She was advised that the ballot was not signed. The person presenting the ballot went around the corner in the hall, and returned with the ballot signed. Upon investigation, it appears that the signature matches an earlier signature on file for the voter.

Member Nelson suggested we reconsider the vote just taken for referral to the State Board on the ballot appearing to be signed by a household family member.

Secretary suggested that we need to ask ourselves whether there is anything going on that would warrant further investigation because there might be on-going criminal activity.

**ACTION:** Secretary Devore moved to reconsider the actions taken in this meeting to make referrals to the State Board for investigation. Seconded and passed unanimously.

**ACTION:** Member Nelson moved to not accept the third ballot that appears to have not been properly executed by the voter. Seconded and passed unanimously.

Returning to the voter who executed two provisional ballots, Director Robertson reported that Shannon has been able to talk with the voter who executed the two provisional ballots. The voter misunderstood the instructions given to her, and thought that because the website she been instructed to check did not show her having voted, that she needed to try again.

**ACTION:** Secretary Devore moved to not accept either of the two provisional ballots by the voter considered earlier today who executed two ballots. Seconded and passed unanimously.

Member Swilley summarized that 256 provisional ballots were not approved. 33 Absentees not approved.

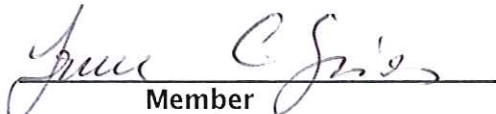
**ACTION:** Member Nelson moved to approve the 120 Absentee ballots recommended by staff. Seconded and passed unanimously.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 6:14PM.

Submitted by,

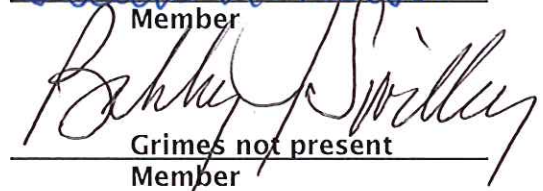
  
Linda Devore, Secretary

  
Chairman

  
Member

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Director

  
Member

  
Grimes not present  
Member