

August 05, 2022 Canvass Meeting Minutes

Invocation - Member Devore

The canvass meeting was called to order on August 5, 2022 at 11:00 a.m. at the Cumberland County Board of Elections by the Chair.

Present: Helen Nelson - Chair
Linda Devore - Member
James Baker - Member
Billy King - Member
Irene Grimes - Secretary

Staff: Angela Amaro, Vickie Hillburn, Bill Helms

Guests: Rick Moorefield

ACTION: Member Devore moves that the agenda be amended to add item IV. Approval of three ballots tabled yesterday.

Second: Member Baker

Vote: Unanimous

ACTION: Secretary Grimes moves that the agenda be approved as amended .

Second: Member King

Vote: Unanimous

Chair Nelson inquires of staff if information has been received from the State as it pertains to the three ballots. Absentee Officer Hilburn responds that they responded that if they are not postmarked, they should not be counted.

ACTION: Secretary Grimes moves that the 3 ballots received after election day, outside of the ordinary mail stream and without being postmarked should not be approved.

Second: Member Baker

Vote: Unanimous

Mr. King inquires if there is something we can do in order to avoid a situation such as this in the future. Chair Nelson explains that the voter must ensure that the post office postmarks the ballot in the event it shows up after deadline. Without a date there is no way of knowing when it was turned in to the post office. Suggestion is made that this part of the instructions be printed in bold.

Chair Nelson moves on to the absentee challenge. Interim Director Amaro informs the Board that there is a preliminary hearing, and that an older gentleman came in, turned in his absentee ballot and then voted one-stop (just a few minutes later).

Secretary Grimes asks County Attorney Moorefield to inform the Board as to the steps the board needs to take. County Attorney Moorefield asks if there is anyone present on behalf of Mr. Howard D. Rogers (the voter). There is no response.

First document is the completed voter challenge form that shows that the person listed has already voted in this election. Next document shows that he was noticed that he needs to be

here in person on the date of canvass. Interim Director Amaro confirms that notice was sent certified mail, that electronic tracking shows the notice has been received but that the signed mail certificate has not been received back yet.

Secretary Grimes asks whether the voter turned in his ballot and then proceeded to the next room and voted. Interim Director responds that that is what happened.

County Attorney Moorefield explains that the board must consider the voter's signature, the return log and then the one stop application. The absentee ballot sign in log shows that it was signed by Howard Rogers and is dated 12 July 2022 at 10:03 a.m. The date of the one stop application is 12 July 2022 at 10:04 a.m., just one minute later. Mr. Moorefield asks board members to review those documents to determine if they are signed by the same person.

Board Member Baker points out that the notice was sent to a slightly different address than on the ballot (407 vs. 409)

Staff is going to research the matter and see if they can verify delivery via USPS website.

ACTION: Member Devore moves that the hearing be tabled and proceed with the next item on the agenda.

Second: Member Baker

Vote: Unanimous in favor

Interim Director Amaro says she asked Chair Nelson if Early Voting Plans should be back on the agenda as the State Board had extended the deadline for submission. New deadline is August 23, 2022.

Chair Nelson explains that she does not want to start a practice of re-discussing and re-voting on an item but that the Interim Director thought there may be some room for compromise. If there is not then there is no need to discuss.

Chair Nelson not hearing any discussion, there is no change - two plans are submitted to the State Board for consideration.

Brief discussion ensues about the technical aspects of plan submission and supporting documentation.

County Attorney Moorefield returns and reports that he spoke with Counsel for the State Board on the voter challenge. Since Absentee Officer Hilburn has spoken with Mr. Rodgers, she could be sworn in and testify as to her conversation with him. Then we can proceed.

Chair Nelson states that the board is now returning to item V. Absentee Challenge. County Attorney Moorefield asks the Board to determine by majority vote if they want to sustain the challenged absentee ballot.

ACTION: Secretary Grimes moves that the absentee ballot of Mr. Rodgers be challenged.

Second: Member King

Vote: Unanimous in favor

Attorney Moorefield explains that the next item is to determine which ballot to count. Since the one stop ballot has been counted and the absentee has not, it would be logical to count the one stop one.

ACTION: Member Devore moves that the absentee ballot of Mr. Rodgers be challenged.
Second: Member King
Vote: Unanimous in favor

County Attorney Moorefield states that at the beginning of the hearing it was determined that no one was present for the hearing, that the address where the notice was sent was incorrect; he recommends that Absentee Officer Hilburn be sworn in and testify as to her conversation with Mr. Rodgers.

Absentee Officer Hilburn is sworn in by the Chair.

Chair Nelson: Please state your name and position in the office

Absentee Officer Hilburn: Vicki Hilburn, Absentee Officer.

Chair Nelson: Did you have an opportunity to speak with Mr. Rodgers and have Knowledge of the challenge we are discussing here today?

Absentee Officer Hilburn: Yes

Chair Nelson: Tell us about your conversation with Mr. Rodgers.

Absentee Officer Hilburn: I contacted Mr. Rodgers after his absentee ballot was received at our window. I noticed he had also voted one stop. I spoke first with his wife who said that he had already stated to her what he did. He had spoken with an old friend outside of the building who said "don't forget to vote while you are in there". So he went inside and dropped off his absentee ballot and then went to one stop and voted. According to the wife he caught up in the moment and did not realize what he was doing.

Chair Nelson: When did you make contact with Mr. Rodgers?

Absentee Officer Hilburn: It may have been that same day or possibly the next day.

Chair Nelson: Did you have a conversation with Mr. Rodgers?

Absentee Officer Hilburn: I spoke with Mr. Rodgers also. I did tell him that the ballot turned in at the window would be challenged and that the one stop one would count with no problems but that he would be rec giving something in the mail about the challenge, and he was fine with that.

Chair Nelson: Are you aware if he knows that there is a hearing?

Absentee Officer Hilburn: I do not know if he knows but he asked if there is anything he needed to do.

Chair Nelson asks if there are any other questions. Member Devore asks Absentee Officer Hilburn to confirm that she spoke with both he and his wife, who confirmed that she spoke with both.

Chair Nelson: We accept the testimony of Absentee Officer Hilburn who had a direct conversation with Mr. Rodgers.

County Attorney Moorefield says that it has to be established that the ballot is marked as challenged. Interim Director Amaro confirms that is is marked challenged in the system.

Chair Nelson swears in Interim Director Amaro.

Chair Nelson: Please state your name and position in the office

Interim Director Amaro: Angela Amaro, Interim Director.

Chair Nelson: What information do you have as it pertains to the challenged ballot?

Interim Director Amaro: This voter's ballot has been marked challenged in our system.

Chair Nelson: The absentee ballot has not been counted?

Interim Director Amaro: Correct, the ballot is still in here (pointing to the sealed absentee ballot envelope).

Member Devore asks if the physical ballot has to be marked "challenged" as well. County Attorney Moorefield responds that it has to.

ACTION: Member Devore moves that to sustain the challenged absentee ballot of Howard Rodgers.

Second: Member King

Vote: Unanimous in favor

Chair Nelson marks the challenged ballot "Sustained".

County Attorney Moorefield: Madam Chair, this concludes the challenge hearing. This did not disenfranchise Mr. Rodgers as his one stop vote was counted.

Interim Director Amaro reports that all precincts/voter history have been audited and everything matches (Canvass). She reports that there were 14,910 total votes (10,551 on election day, 4,137 at one stop, 198 absentee and 24 provisionals).

Some discussion ensues as to the possibility of a recount in City Council District 3.

ACTION: Member Devore moves that the July 26, 2022 election be certified..

Second: Secretary Grimes

Vote: Unanimous in favor


Adjournment

Motion: Secretary Grimes

Second: Member Devore

Chair Nelson adjourned the meeting at 12:11 p.m.

Submitted by,



Irene Grimes, Secretary


Helen Nelson, Chair


James H. Baker, Member


Linda Devore, Member


Billy King, Member