

DECEMBER 10, 2019

The Cumberland County Board of Elections met at the Board of Elections Office at 1:00PM for their regular monthly meeting.

Present: Floyd W. Johnson, Jr., Chairman Linda Devore, Secretary
Bobby Swilley, Member Terri Robertson, Director
Irene Grimes, Member

Staff: Angie Amaro
Rick Moorefield (County Attorney) joined the meeting after a brief recess

Guests: Meta G. Weaver Coaxum, Ethelyn Holden Baker, Mary E. Thomas, Emily C. Grimes, Miguel M. Rodriguez, Peter Aponte.

Chairman Floyd Johnson called the meeting to Order at 1:00PM, welcomed guests, and presented the Agenda.

ACTION: Secretary Devore moved to adopt the agenda as presented.
Seconded and passed unanimously.

ACTION: Secretary Devore submitted minutes from the meeting of November 20th for approval.
Approved unanimously.

Director Robertson presented a proposal submitted by Spring Lake Mayor Pro-Tem James O'Garra and Democratic Precinct Chair Mary Thomas to consolidate SL-1 and SL-2 precincts. O'Garra and Thomas have spoken with the Director about the possibility of putting these two precincts back together, as they were before being split in 2011. It would be a large precinct, however, the election day voting numbers indicate voters would not encounter long lines as they had before the precinct was split, due to increases in early voting.

Historical voter turnout for the past two presidential elections:

SL-1	2012	476 Election day Voters	1125 One-stop Voters
	2016	456 Election day Voters	918 One-stop Voters
SL-1	2012	385 Election day Voters	1140 One-stop Voters
	2016	395 Election day Voters	985 One-stop Voters

The O'Garra and Thomas proposal recommends moving the consolidated precinct to the new Spring Lake Community Rec Center. The two current precinct sites are both much smaller, and neither would be adequate to serve as a consolidated site.

Secretary Devore reminded that we split several precincts in 2011 because of long lines, and we know that long lines are discouraging to voters. Some may leave and not vote.

Director Robertson assured that the space at the Spring Lake Community Rec Center has enough space to accommodate more booths, and therefore not result in long lines.

Member Swilley asked Mary Thomas her opinion of the change.

Thomas stated that she has lived in Spring Lake since 2001. She explained there is

currently confusion by voters, and there would be less if everyone voted at the same site.

Secretary Devore inquired whether we have reached out to any representative of the Republican Party in either of the Spring Lake precincts for input.

Director Robertson replied that we have not. We do not know who they are.

Member Grimes attempted to ask a question.

Chairman Johnson asserted that he must recognize any member wishing to speak.

Secretary Devore reminded the chairman that we have not adopted a rule requiring the chair to recognize members to be heard, and that he would be making a unilateral decision.

ACTION: Secretary Devore moved to allow members to speak without seeking permission of the chair.
Seconded and passed 3-1. Chairman Johnson voted no.

Member Grimes continued to ask her question directed at Thomas. Would it create a hardship for voters to travel to the new location?

Ms. Thomas responded that it would not.

Member Grimes suggested we consider tabling this action in order to attempt to contact the Republican precinct chairs.

Director Robertson stated that in order to get this in place for the March 2020 primary, we will need to take action today. It must be submitted to the State Board, and then we must give 45 days notice of the site change to voters.

Secretary Devore reported that Orange County recently combined four precincts near the Chapel Hill campus because of voter confusion for students living on and near the campus keeping track of which site to show up to on election day. Because so many voters have been voting early, using only one site is reasonable to accommodate election day voters. This seems to be similar to what is happening in Spring Lake. Therefore, I would support this consolidation to make it less confusing for Spring Lake voters, as long as we have a site that can accommodate voters without resulting in long lines on Election Day.

Member Swilley stated that this appears to be a well-thought-out proposal, and we do not need to complicate it.

ACTION: Member Swilley moved to approve the consolidation of SL-1 and SL-2 precincts.
Seconded and passed unanimously.

Director Robertson reported that we tested the ADA Express Vote equipment in the November election, but we will not be able to sign a contract to purchase the equipment for all precincts until the State Board gives final approval. At this point, Board members need to sign the certification documents for the equipment we tested, in anticipation of being able to purchase.

Director Robertson reported that we have not yet received confirmation of the meeting time for the State Board to hear our non-unanimous Early Voting plans, but it is expected to be December 20th.

Secretary Devore inquired about the process at the State Board. Who will present our majority and minority plans, and what information the State Board will have available to consider.

Director Robertson responded that she was only allowed to upload the plans, so if other information needs to go up, maybe it could be by emails. I do not know. It is up to the Board to decide who will present the plans.

Chairman Johnson stated that he will present the majority plan.

Secretary Devore suggested that our Board still has an opportunity to meet again before our scheduled State Board hearing to possibly resolve our differences and get to a unanimous plan. The question is what issues we need to understand each other on.

Member Grimes stated that she weighed Smith Rec Center for a very long time, but the closer we got to the meeting and she looked into it, she changed her mind.

Member Grimes stated that in the special CD9 election she saw only 4 votes come in from CC13 on that day. That was a real gut punch. Started looking into Smith and that community, and that changed my mind. I fought just as hard for East Regional as an early voting site in CD9.

Secretary Devore stated that of the 47 members of the public who attended our November 12th meeting, only 2 appear to be registered voters in CC13. Nearly all were from far-reaching areas of the county. The emails we received ahead of the meeting were also from voters in other areas of the county—not in the community near Smith Rec Center. So, what we really saw was not the Smith RC community asking for this, but an organized effort by Common Cause and a candidate committee.

Chairman Johnson announced that he would close the discussion.

Secretary Devore objected to the unilateral decision of the chairman, and suggested a recess to consult with the County Attorney.

Chairman Johnson recessed the meeting at 1:36PM.

Chairman Johnson reconvened the meeting at 1:55PM with the County Attorney joining.

Chairman Johnson explained to the County Attorney that we have a difference of opinion on Board rules and the authority of the chairman.

Moorefield explained that any action, including rules and delegating authority, must be by majority action. The authority of the chair is only to conduct the meeting. Even under Roberts Rules there must be a vote to cut off discussion. It requires a motion, a second, and a majority vote. This is not inherent to the authority of the chair, though it could be delegated by the Board.

Secretary Devore suggested we continue our discussion.

Chairman Johnson stated that "my colleague over here" [referring to Secretary Devore] has a tendency to go on and on about statistics this, and statistics that, and maps on the wall. She

does not adhere to a timely manner, and that goes for anyone else on this board. Things that are not on the agenda, or necessary to be discussed.

ACTION: Chairman Johnson moved to adjourn the meeting.
Motion dies.

Member Swilley stated that he is a little bit embarrassed that this Board cannot function doing the business of the Board of Elections. It is unhealthy and not good. If we cannot come to an agreement of trust, then this Board cannot function. We begin our meeting with a prayer, but then we go in a different direction. As a Board member, I trust our staff and our Director 100%, yet we don't listen to them. Trust comes when I trust you—shake your hand and trust you. This is unnecessary. I don't understand the bitterness and the hatred that goes on. It is unnecessary and has no benefit. Whatever your agenda is, your partisanship, or your activism, it does not need to come into this room. Once we come in here, we do the business of the County Board of Elections. If we cannot do that, we do not need to be here.

Chairman Johnson thanked Member Swilley for his comments.

Secretary Devore resumed the discussion about finding a meeting of the minds, and perhaps a unanimous plan, before going before the State Board on December 20th, including what caused Member Grimes to change her mind at the last minute on Smith Rec Center and pre-empt the Director presenting the staff recommendation at our Nov 12th meeting. We did not have a regular process on Nov 12th. The trust that Member Swilley spoke of was breached. There remains an opportunity for us to better understand the decisions we made, and reach a unanimous decision if we are willing to work together and have honest discussions. However, I share Member Swilley's concern that we have had a breakdown in trust.

ACTION: Chairman Johnson moved to adjourn the meeting.
Motion dies.

Member Grimes stated that she is not opposed to calling another meeting to further consider our plans. Suggest that we each take both plans and see what we can do. Then come back to discuss, and cap that meeting at 1 or 1-1/2 hours.

Chairman Johnson stated that he is also willing to have another meeting as long as Smith Rec Center is considered. Smith must be included. Must be.

Member Swilley stated that as long as our Chair is adamant, and has stated his sole purpose is to have Smith Rec Center, then another meeting will not do any good.

Discussion of another meeting to come to a unanimous decision concluded without any action.

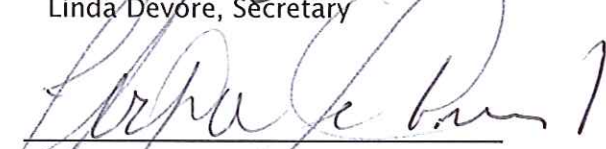
Secretary Devore asked Director Robertson for an update on the FOIA request that we received.

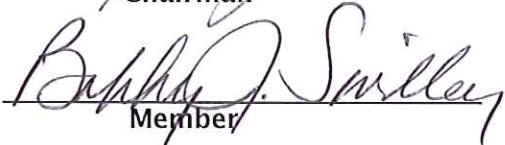
Director Robertson reported that it is in progress. We have not responded yet. We are waiting to be sure we have everything. We have received some emails from each Board Member.

ADJOURNMENT: There being no further business, the meeting was adjourned at 2:22PM.

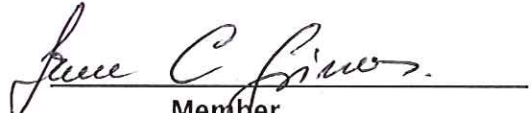
Submitted by,


Linda Devore, Secretary


Chairman


Member


Director


Member

Nelson not present
Member