

## March 12, 2019

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

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

**Staff:** Angie Amaro, Mitzie Roberts and Rick Moorefield, County Attorney

**Guests:** Jonathan C. Strange, Olivia McKellar, James H. Baker, Peter Apone and Karl Merritt

Chairman Floyd Johnson called the meeting to Order.

**ACTION:** Bobby Swilley moved that the minutes from December 11, 2018 be approved as presented. It was seconded and unanimously approved.

**ACTION:** Linda Devore moved that the minutes from March 1, 2019 be approved as presented. It was seconded and unanimously approved.

County Attorney Rick Moorefield gave an update on the status of the NAACP lawsuit brought in response to challenged voters removed from voting rolls by individual citizens before the general election in 2016. He reported that the suit has been settled as to the merits of the case, but is pending a ruling on nearly \$1M in Attorney's fees asked for by plaintiffs and likely will not be resolved any time soon.

Secretary Linda Devore asked if the statute on challenges was changed after the lawsuit, to conform to the settlement reached in the case. If a member of the public were to read the statute, they would assume the same process is still in place?

Attorney Rick Moorefield stated that the State Board directives changed but not the statute. He stated it is a little more complicated than that. We no longer remove anyone 90 days prior to an election.

### NEW BUSINESS

Email Communications – Chairman Floyd Johnson stated that the Board will be transparent so everyone will know what we are doing, and a mistake was made.

Attorney Rick Moorefield stated it is difficult for the Board to discuss anything in closed session, as it is usually limited to personnel matters pertaining to the Director or staff. As to email communications among Board Members, Moorefield stated that board members may send emails to other individual Board Members, but sending to a quorum is not advisable because you are not being transparent. There is a difference if you are just letting the others know you are not available for a meeting versus discussing an item on the agenda.

Secretary Devore read a statement addressing the email Board Member Grimes sent to Board Members Nelson and Johnson, and forwarded by Johnson to Director Robertson, asking that the stated proposal relating to early voting be placed on our March 12<sup>th</sup> meeting agenda. Member Nelson stated that she did not respond to any of the emails sent to her on the subject.

Attorney Rick Moorefield gave the Board advice to refrain from three members having a discussion on an item of business expected to come before the Board.

Polling Place changes - Director Robertson stated that there are 3 polling sites that need to be changed:

- 1 Montclair Elementary School (CC29) - new traffic circles and no parking. Propose moving to Anne Chesnutt Middle School. We would be able to use the gym attached to the school and away from rooms, and a large parking lot.

**ACTION:** Bobby Swilley moved that the Board approve the move for CC29. It was seconded and unanimously approved.

- 2 Grays Creek Middle School (HM02B) is adjacent to the precinct boundaries. Propose moving to Gallberry Farms Elementary School, which is located within the precinct boundaries.

**ACTION:** Bobby Swilley moved that the Board approve the move for HM02B. It was seconded and unanimously approved.

- 3 Howard Hall Elementary School (CC23-2) is adjacent to the precinct boundaries. Propose moving to City of Fayetteville Fire Station #19, which was built a few years ago. We will be able to use classroom space, and voters can enter from an outside entrance,

**ACTION:** Linda Devore moved that the Board approve the move for CC23-2. It was seconded and unanimously approved.

Director Robertson stated that those within the 9<sup>th</sup> Congressional District will receive notification now of the change of their polling site, while those outside the 9<sup>th</sup> will receive notification closer to the Municipal elections in October. All voters whose polling site is being changed will be sent a letter and a voter card noting this change.

Director Robertson advised Board Members of the dates of Absentee Meetings, set by state statute, for the May 14<sup>th</sup> Special Election. The Board needs to set times to meet on these dates.

April 23, April 30 and May 7, 2019  
Board Members agreed to meet at 1:00pm

May 13 and May 14, 2019  
Board Members agreed to meet at 5:00pm  
Board Members must be available all day and evening for issues that may need board attention.

Director Robertson informed the Board of the Mandatory Hand to Eye recount. The state randomly selects precincts for the hand count. This is an administrative duty.

**ACTION:** Secretary Devore moved that board members randomly observe the Hand to Eye recount process which will start at 10:00am two days after the election.  
Seconded and unanimously approved.

Director Robertson gave the Board clarification on Multi-partisan assistance teams (MAT).

Director Robertson explained that the Cumberland County list of group and assisted living homes that might need MATs is very long. The state Board of Elections notifies the facilities of the law and availability of MATs. Only four have requested teams.

Secretary Devore raised concerns about curbside voting. Director Robertson informed her that vehicle drivers know they cannot assist. Voters are required to state their name and address to the precinct official. If a voter has a disability and needs assistance, either a staff member will assist or the voter can choose another person to assist them.

#### One Stop Plan

Director Robertson reported that there are 20 Cumberland County precincts in the 9<sup>th</sup> Congressional District. There are approximately 52,000 eligible voters in those precincts. In May 2018, there were 6,350 votes cast in the 9<sup>th</sup> Congressional District primary. The turnout for the May 14<sup>th</sup> special election primary will likely be much lower. Based on historical turnout numbers, perhaps 2000 are expected.

Director Robertson recommended that for the May 14<sup>th</sup> primary we use only the Board of Elections site for One Stop, during regular business hours 8:00am-5:00pm. She stated that during the May 2018 primary the busiest times at all sites were from 10am - 4pm and in the May 2014 primary, 10am - 3pm.

Member Nelson asked about additional sites. Chairman Johnson asked how much it would cost to open additional sites. Staff stated the cost would be nearly \$30,000 per site.

Member Grimes stated that the law requires 7am-7pm hours at One Stop sites with the exception of the Board of Elections site, but the Board of Elections can be open from 7am- 7pm. Director Robertson discussed costs of overtime when extending hours.

Secretary Devore suggested that it would not be cost effective, or responsible to taxpayers, to open additional sites or add additional hours at the Board of Elections office for the expected turnout. The Board of Elections site is within the 9<sup>th</sup> District.

**ACTION:** Bobby Swilley moved that the Board accept the One Stop plan as presented by Director Robertson. Board of Elections office M-F 8am- 5pm. It was seconded and Helen Nelson opposed.

Director Robertson explained that without a unanimous vote on the plan, Member Nelson would need to create her own One Stop plan and submit it to the State Board of Elections, so that they can use both plans in developing on a plan for our county.

After additional discussion, Member Nelson said she would reconsider her decision.

Director Robertson reviewed historical turnout numbers in past special elections and 2<sup>nd</sup> primaries. Member Grimes stated that in her experience Director Robertson is accurate in anticipating turnout.

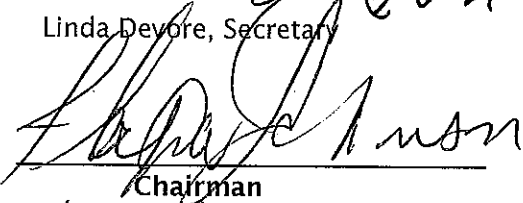
**ACTION:** Secretary Devore moved that the Board reconsider the original motion regarding the One Stop Plan, Board of Elections office M-F 8am - 5pm. Upon reconsideration, the original One Stop plan presented by Director Robertson was seconded and unanimously approved.

ADJOURNMENT: There being no further business, the meeting was adjourned at 2:55PM.

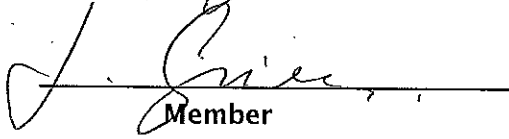
Submitted by,



Linda Devore, Secretary



Chairman



Member



Director



Member



Member