

NOVEMBER 12, 2019

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

Present: Floyd W. Johnson, Jr., Chairman
Bobby Swilley, Member
Irene Grimes, Member

Linda Devore, Secretary
Helen Nelson, Member
Terri Robertson, Director

Staff: Angie Amaro and Vickie Hilburn

Guests: Terry Lynn Johnson, Sr., Toni Morris, Kimberly Hardy, Pam Carver, Shakeyla Ingram, Mary Ferguson, Pam Wade, Judy Lowe, Meta Weaver Coaxum, Sharon Johnson, Courtney Banks-McLaughlin, Jimmy Harry, Jimmy Buxton, Paulette Munson, Charles Evans, Barbara Cogdell, Michael G. Morrison, Kiante Bennett, Wesley Fountain, G. Milton Richardson, Michael Haywood, Denise Bruce, Jonathan C. Strange, Jennifer Tyra, Michael Spencer, Emily C. Grimes, Miguel Rodriguez, Val Sendo, Tracey Morrison, Kristian Carlyle, Roxanne Woodburry, Shamike Bethea, Val Applewhite, Veronica Jones, Manuel Mejia Diaz, Cheryl Carter-Ellis, Valencia Handy, Dominique Ashley, Chris Davis, Matthew Davis, Maria Carter, Peter Apone, A Barnes, Juanita Bonds, L.H. Sutton, Kirk DeViere.

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

ACTION: Secretary Devore moved to reverse the order of items VI and VII on the agenda. Seconded and passed unanimously.

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

Chairman Johnson welcomed guests, and opened the Public Comment Session. Speakers limited to 1.5 minutes each.

Pamela Carver, Linden Precinct. I come today to talk about polling places and accessibility. I hope this board will do all it can to open as many days and locations, for as many hours for as many voters as possible. Please consider accessibility, including for those who may need to ride buses.

Mary Ferguson, 5757 Bear Creek Circle, Fayetteville, 28304. Concerned that everyone is not getting the same information about voting. This past election some voters were turned around in the parking lot, being told that it wasn't their district, when on the map it was their district. Also want the board to be conscientious of the boomer and older vote, and provide information with paper, as well as technology. Transit friendly, and open more places. Campus voting, I suggest that the SGA president is the most powerful contact.

Terry Johnson, 5121 Wichita Drive, District 4. Candidate for House District 43, which will be affected by the board's decision on Smith Rec Center—an African-American neighborhood and close proximity to Fayetteville State. Years ago there was a poll tax implemented on people—

not just because of color, but it was \$1.50, which disenfranchised African-American people from voting. My cousin took that case to the Supreme Court and overturned that poll tax. This is the same thing. Please do not close Smith Rec Center for early voting.

Sharon Johnson, 8436 Umstead Rd, Auman-02 Precinct. I have come specifically advocating for Smith Center to stay open. It is a hub for a lot of elderly in that community, and in light of the three elections we've just had, and some sites were open and some were closed, we need some consistency. There is so much change. As we approach 2020 should keep Smith Rec Center open and fully staffed.

Jimmy Buxton, 7616 Newark Avenue. I am also for keeping precinct 13 open, especially for college students where they can walk to, or get transportation to here or any other place. They walk from campus up to Smith Rec Center.

Charles Evans, 926 Fleetwood Drive, District 2, CC-01 precinct. Our young people at Fayetteville State need a place to vote. We know how important it is that every person has an opportunity to vote. If you close 13, people will have to try to find a way to get to someplace else to vote. We don't want that. We want to encourage our young people to vote. It is our responsibility to make sure everyone has equality and fairness in voting, so please vote for Smith to stay open.

Kiante Bennett, current SGA president, FSU, 1200 Murchison Rd. I come today to speak about student accessibility. If Seabrook [Smith] Rec Center is taken away from us, we will not vote at all. Very hard already to get students to vote, register to vote. Freshmen are not allowed to have vehicles on campus their first year. Students already feel their voice does not matter. Or they don't need to vote. So, if this is taken away from us, it will hurt us.

G Milton Richardson, 1907 Ernest Street. Here to speak about Smith Rec Center. We need it. I take some of the elderly in the neighborhood to the polls for early voting, back and forth to vote. I am precinct chairman for CC13, and I am concerned about that area. Very important that we keep that poll to utilize. Fayetteville State University is in that precinct.

Denise Bruce, 1616 Vera Rd, 28395, east of the river. Everyone across the river knows where their early voting precinct is across the river. Changes on this side of the river to remove a precinct really bothers me, and disenfranchises voters. We want to empower voters. To remove a precinct will cause people to stay home.

Kristan Carlyle, 3916 Rosehill Rd, Fayetteville. I come here today as a Common Cause Fellow and a member of the Fayetteville State student body to advocate for using Smith Rec Center as an early voting site for the 2020 Primary and General elections. Smith serves Fayetteville State and the surrounding community. We went out and got almost 400 signatures to keep Smith Rec.

Chairman Johnson thanked the speakers for their comments.

Secretary Devore was recognized to make a comment of clarification. Because several public commentators have mentioned this, there is no proposal or discussion before this board to close CC13. It has never been a consideration. There are 77 precincts in this county, and they will all be open on election days.

Secretary offered minutes from the meetings of November 4th and 5th for approval.

ACTION: Member Nelson moved that the minutes from November 4th and 5th meetings be approved as presented.
Approved unanimously.

Staff presented a report of 76 provisional ballots to the board for consideration. Based on research completed by staff, 26 ballots were recommended for approval, 9 for partial approval, and 41 not be approved—mostly by voters who do not reside in a municipality or were not registered to vote. The 9 partials were by voters who were properly registered, but voted in the wrong precinct. Each board member was provided a complete report of the provisionals by category.

ACTION: Secretary Devore motioned to approve the 26 ballots recommended for approval based on staff research.
Seconded and passed unanimously.

ACTION: Member Nelson moved to partially approve 9 provisional ballots based on staff research which determined the ballots were cast out of district for one or more contests on the ballot.
Seconded and passed unanimously.

ACTION: Secretary Devore moved to not approve the 41 remaining provisional ballots as recommended by staff.
Seconded and passed unanimously.

An announcement was made of the recount of the Spring Lake Alderman contest, and if properly requested, the Hope Mills Town Commissioner contest, next Wednesday, November 20th at 10:00AM.

Secretary Devore made a statement concerning the opening and closing of precincts to address concerns from public comments. When an election occurs in only a part of the county, as it did in the recent 9th District congressional special election, some county precincts are not open. Not because we are closing precincts at our discretion, but because only the precincts of voters who are eligible to vote in the election are open. There were a lot of voters confused on September 10th. They showed up at their precinct to vote, and when it was closed they came to the BOE, only to find out that the reason their precinct was closed was because they did not live in District 9.

Likewise for this municipal election, 80% of county residents reside in one of our 9 municipalities, but the other 20% could not vote, and their precinct was closed. Again, not because we are closing precincts, but those 20% do not reside in a municipality—they did not have an election to vote in. I don't want anyone to believe that we are closing precincts.

Member Swilley was recognized for an opening comment for our visitors and guests. This is the third year I have served on this board. We have met approximately 37 times so far this year, and it is an outstanding board. I believe it is important that you know that this staff and this board have done everything to be transparent in everything we do. Our staff is professional and diligent in their work. I have known them to spend hours researching a vote so that we can lean toward counting every vote possible.

Member Nelson was recognized for a comment. Sometimes when we speculate or suspect wrong-doing, but we do not know that person, that can put a negative connotation out in the community, and that can have a chilling effect. I have served on this board since March, and all of us try to work for the good of all of the voters in Cumberland County. We question each

other at times, we question the director at times, and we question the staff at times, but none of us are here to do anything to having a chilling effect on any voter. Please come to us with questions rather than put information out there that could have a chilling effect. Some voters may feel that they are going to do whatever they want to do, and we do not want that. Encourage voters to vote, and then we will not have to look at low turnout at sites. Our goal is to make sure that every vote is counted.

Secretary Devore commented that not only every vote is counted, but that there is reasonable access during early voting and election day for every single voter. We rarely move an election day polling site, but when we do it because of accessibility issues. Either ADA or parking problems, so we look for a more accessible site. We also have a fiscal responsibility to the community. There are reasons why we do not open all of our 77 sites for 2-1/2 weeks of early voting. 24 sites are in public schools, and others are in community and recreation centers. We cannot close or impose on the schedules of these activities, and some of our sites are privately owned. By statute we are required to use publicly owned sites for early voting. We recently sent a letter to Dr. Connelly, superintendent of CC Schools requesting that our public schools close for students on election days, including the March 2020 primary, but future elections also. They have already proposed to adjust their calendar for November 2020.

Chairman Johnson moved to a discussion of early voting plans for March 2020.

Member Grimes suggested we all agree on the Board of Elections site for early voting for the March 2020 primary. Monday - Friday 8-5, and the last Saturday 8-3, as required by statute. We also agree on Cliffdale, North Regional, Hope Mills, and East Regional Library M-F 8:00-7:30.

We disagree on Saturdays and Sundays. We also have a proposal from Chairman Johnson and Member Nelson to combine Hope Mills and Grays Creek, and to open Smith. My proposal is to open all of the proposed sites. Referring to county map with possible sites marked, the Grays Creek and East Regional sites are too far away from BOE to close. Smith is close to BOE, but it is on a bus line. Our BOE site requires crossing a busy intersection. My plan will always advocate for Saturdays and Sundays.

Secretary Devore reviewed the early voting turnout numbers for the 2008, 2012, and 2016 primaries. 2008 was the highest turnout with 18,000 voters. We opened BOE, North Regional, Cliffdale, and Hope Mills for early voting in 2008. Smith Rec Center has not been used in any of the presidential primaries, though we have added additional sites for accessibility based on distances between existing sites. The wall map we are looking at identifies what we believe to be all possible public buildings that could be used for early voting, and they are spread out around the county. In 2012 we added East Regional, as an additional site. The highest population growth areas are basically south and west. Long lines at Cliffdale is a problem we want to address for November 2020—not just a parking problem, but too many people in too small a space, so we are looking at an additional site south of Raeford Rd. Most of our sites have traditionally been north. We did not open Grays Creek for early voting for the Special D9 election in September, and this resulted in long lines at closing—over 100 voters. This is a very large growth area. We know that long lines can discourage voters. We will do everything we can to open enough sites that we do not have long lines. We do not want voters walking away without voting. Also, areas outside the city do not have access to public transportation, so opening sites outside the city has an impact.

Chairman Johnson stated that his sole purpose, as a member of the Cumberland County Board Of Elections is to insure that those voters who reside in the Smith Recreation Center community and have traditionally voted at that polling site for countless years will still have an opportunity to do so without being impeded. If we do not come to a unanimous decision on a plan, then I am prepared to submit my own plan to the State Board to assure Smith Recreation Center is an early voting site. Johnson suggested that we consolidate Grays Creek and Hope Mills.

Secretary Devore reminded that Smith Rec Center has not been an early voting site for a primary in the past.

Chairman Johnson stated that because it has not been, does not mean it can't be now. It was a polling site—not an early voting site. This time I am advocating that we open Smith Rec Ctr as an early voting site.

Secretary Devore stated that consistency is an important point brought up during public comments, though there is a concern that some of the comments may have been based on misunderstandings. Every time we talk about changing anything, I talk about consistency so as not to confuse voters.

Chairman Johnson stated that in terms of inconsistency, we have deprived African-American voters and they have been suppressed, closing polling sites because they are too costly.

Secretary Devore responded that we have not done that in Cumberland County.

Chairman Johnson replied that there are historical reasons, and this is not only about Cumberland County. Polling sites primarily in African-American communities have been closed to save money, or the turnout is too low, so they combine polling sites. To me that is a form of voter suppression. I believe it is a template to suppress the African-American voters. That is a fact.

Secretary Devore reminded that our direction has been to open additional early voting sites.

Member Grimes suggested we break down the plan into segments. Step by step. We may all agree on Board of Elections site 8-5.

Secretary Devore stated that while the statutory requirement is 8-5, if we do not use the Smith site, which is just 2 miles away, we should open BOE the same hours as the additional sites, 8:00-7:30, which is consistent with the other sites. We have to be consistent across the entire County—Methodist University, FTCC, Fayetteville State University. Only 22% of FSU students live on campus, and only 1/3 are traditional students under the age of 25. Methodist and FSU are very similar in the numbers of students living on campus. The patterns of growth in our community are shifting north, south, and west, while the areas near downtown are losing population. CC19, near Smith, has only 800-some registered voters. Others close to 5000 further out.

Member Swilley commented that we often hear statements that irritate me, and one of those is "we need." We sometimes confuse "need" with "want." If you really need something, I want to make sure you get it. But if you just want something, that is different. We can't make everybody happy. We are going to have at least 13, possibly as many as 16-17, days of early voting 8:00AM-7:30PM. At least. That is a good thing. At this point we have at least 6 sites spread out all over the county. We have absentee voting for any reason. We have curbside voting. So there is ample opportunity with over 840 hours of voting. It is hard to believe anyone cannot find time to vote.

Chairman Johnson commented that we can have other sites, but we want to be all inclusive, regardless of their voting record or ethnicity. If just one person goes to a place to vote, then we have done what we are supposed to do. I am totally against voter suppression. Therefore I urge consideration of Smith Rec Center as an early voting site.

Secretary Devore suggested we consider how many voting sites are reasonable to avoid long lines and are reasonably accessible. It is also important to look at a bill that was passed by our

state legislature on October 29th. It passed the Senate by a vote of 49-0, and in the House 111-1, and signed by our Governor last Thursday. This is the statute we must operate under. Quoting [SB683]:

"If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration whether the Plan disproportionately favors any party, racial or ethnic group, or candidate."

So, what we have to do as a board, is make sure we look after everybody in our county. We must treat everybody the same. If you look at our map, we are being asked to open an additional site, which does not treat everyone equally. It is site 2 miles from our BOE site. Our other sites are a minimum of 6-8 miles apart. We have not done that for anyone else, and I believe the reasoning is violative of the mandate we have from the legislature.

Member Grimes suggested that we principally agree on BOE, 8-5 and last Saturday 8-3.

ACTION: Member Grimes moved that we open the Board of Elections site for the hours required by statute, Monday-Friday, 8-5, and the last Saturday, 8-3. Seconded and passed unanimously.

Member Grimes suggested we consider the second weekend, Saturday and Sunday, for the additional sites. February 22 and 23. Saturday 9-1 and Sunday 2-5.

Secretary Devore suggested that we be consistent by adopting 8-3 hours on whatever Saturdays we are open, so as not to confuse voters.

Member Swilley stated that he is not locked in, and would like to be unanimous, and will work toward that effort. My proposal is for one Saturday, as required by statute, but I am willing to go with one Sunday to help make this a unanimous decision.

Member Grimes proposed that for the Cliffdale, North Regional, and East Regional sites that are agreed on, we adopt the middle Saturday and Sunday as stated.

Secretary Devore suggested the first and last Saturdays have higher turnout, so my plan recommends these Saturdays, rather than the middle Saturday and Sunday.

Director Robertson reminded that if the BOE opens any hours beyond what is required by Statute, then it must be open the same hours as all other sites.

ACTION: Member Grimes moved to open Cliffdale, East Regional and North Regional, M-F 8:00-7:30, first and last Saturday 8-3, and first Sunday 2-5. Seconded and passed unanimously.

ACTION: Member Grimes moved to open Grays Creek, Hope Mills and Smith Rec, M-F 8:00-7:30, first and last Saturday 8-3, and first Sunday 2-5. No vote.

Member Nelson commented that she asked to consolidate Grays Creek and Hope Mills so that we could open Smith Rec Center. Agree with those asking for a site at an HBCU campus, understanding that some in that area may rely on public transportation. I was able to have this as a student at NCCU. People in rural areas, such as Grays Creek, have transportation because

they do not rely on public transportation. However, it is not a sticking point for me if we open both of them.

Secretary Devore stated that a broader segment of the community will be served by extending hours at the BOE to be consistent with the other sites, rather than opening an additional site 2 miles away. We need to open additional sites where the population is, and dispersed across the county. No question we will open more sites, including Smith, for the general election, as we have in the past. The cost of an early voting site is between \$20,000 and \$30,000.

Member Swilley suggested that we will have to go to Raleigh if we cannot come to agreement here, and perhaps that is not a bad idea. It appears our Chairman will not budge on Smith Rec Center.

Secretary Devore commented that the State Board must also take into consideration the statute recently passed by the legislature and signed by the governor. That plan must not disproportionately favor any party, racial or ethnic group, or candidate. It must be based on what is best for the voters in the entire county.

Director Robertson reminded that the Grays Creek site is in a precinct of 5000 voters. We already know that using it as an early voting site relieves the pressure on election day.

Secretary Devore reminded the Grays Creek site accommodates two large precincts of about 8000 voters. Smith about 4000. Even in November 2016 Smith had a lower number of early voters than Kiwanis Rec Center, so why would we add an early voting site closer to BOE where fewer people vote.

Member Nelson suggested that Smith might grow over time. Perhaps we could ask for additional money to open Smith. We don't have people here asking for the Kiwanis Center. Smith is a very poor community, and public transportation is not as easy as it may seem.

Member Grimes stated that if you pull from the census, if you look at poor, single-parent households without transportation they are all along the Murchison corridor. Smith Rec is not only a very emotional issue, but reasonable, so I want to make the motion that we open Smith, Grays Creek and Hope Mills the same as the other early voting sites.

ACTION: Member Grimes moved to open Grays Creek, Hope Mills, and Smith Rec the same hours as all the other sites.
Seconded. Passed 3-2.

Member Swilley asked for a motion to recess for 5-10 minutes.

Chairman Johnson recessed the meeting at 2:50PM.

Chairman Johnson reconvened the meeting at 2:58PM.

Secretary Devore stated that while a local decision is preferable, it is important for us to understand how the State Board will deal with the statute. An alternate plan will include BOE extended days and hours consistent with the others sites, but without Smith Rec Center as an early voting site, submitted as minority plan.

Member Grimes proposed a motion to consolidate the earlier actions on the 3-2 majority Plan.

ACTION: Member Grimes moved to open BOE M-F, 8-5 and last Saturday 8-3. Other sites—Cliffdale, East Regional, Grays Creek, Hope Mills, North Regional, and Smith Rec Center, M-F, 8:00-7:30. Saturday, Feb 15th, 8-3; Sunday, February 16th, 2-5; and Saturday, February 29th 8-3.
Seconded and passed 3-2.

Secretary Devore will submit a plan to extend BOE hours and without Smith as an early voting site, as a minority plan.

ADJOURNMENT: There being no further business, the meeting was adjourned at 3:11 PM.

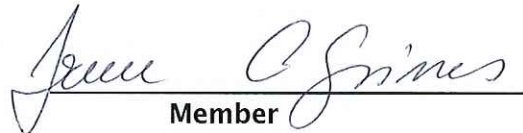
Submitted by,



Linda Devore, Secretary

Chairman

Member


Member

Member

Director