

BOARD OF ELECTIONS

Ken Raymond
Chairman

Stuart Russell
Secretary

Fleming El-Amin
Member



FORSYTH COUNTY BOARD OF ELECTIONS Meeting Minutes – Election Day March 15, 2016 – 2 p.m.

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FORSYTH COUNTY BOARD OF ELECTIONS
Meeting Minutes – Election Day
March 15, 2016

Meeting Called to Order

A statutory meeting of the Forsyth County Board of Elections was called to order in the second floor meeting room on March 15, 2016. The meeting called to order at 2:00 p.m., Chairman Ken Raymond presiding.

Board Members in attendance: Chairman Ken Raymond, Secretary Stuart Russell, and Member Fleming El-Amin

Staff Members in attendance: Director Tim Tsujii, Deputy Director Lamar Joyner, Chris Duffey, Monica Gary, and Kimberly Stuck

Pledge of Allegiance

Chairman Raymond led the pledge of allegiance.

Moment of Silence

Chairman Raymond led a moment of silence.

Tabulation of Absentee Ballots

Director Tsujii cited N.C.G.S. § 163-234 (see attached) as reference to resolution offered by the then Interim Director Lamar Joyner and adopted by the Board to begin Absentee Ballot counting process at 2 p.m. Mr. Tsujii presented the Board with the cumulative list of One Stop and Military and Overseas ballots (UOCAVA) for certification and signature. Director Tsujii explained the process and reiterated for the public that the Board authorized the pre-processing procedure; preprocessing disks will be run noting that per statute the results may not be released until end of the evening.

Mr. Tsujii reported to the Board for comparison; that in 2012 Forsyth County saw 80,916 votes cast in the May Primary, which was a 35% turnout of the 233,539 registered voters at that time. Forsyth County currently has 239,851 registered voters; noting that over 22,000 participated in early voting with an additional 1,823 civilian, 4 military, and 36 overseas absentee ballots. Chairman Raymond read, for the purposes of transparency, the certification of Absentee and UOCAVA ballots.

Director Tsujii presented the Board with the zip disks for examination and a zero report as evidence that once the zip disks processed that only the information included on the disks would be tabulated. Staff ran another zero report to verify that no other ballots would be calculated.

Secretary Russell inquired of time to address approval of minutes; was advised that minutes would be ready for signature at evening meeting.

Mr. Tsujii presented the Board with the certification of the processed zip disks; the Board reviewed and signed, certifying the results; Director Tsujii noted that the certification did not include curbside, provisional, or absentee ballots that required remarking; additionally did not

include absentee ballots that had arrived earlier in the day. All additional ballots mentioned would be certified later in the evening.

Director Tsujii requested a recess to allow staff to process ballots, noting that by statute the absentee count must be processed by 5 p.m.; Mr. Tsujii stated that the curbside, additional absentee ballots, and remarked ballots would be prepared for the Board at the time the Board reconvened.

Chairman Raymond moved to recess meeting until 5 p.m.; Member El-Amin seconded; Secretary Russell requested Board consider 4 p.m. to reconvene; Chairman Raymond brought vote to reconvene at 4 pm. **Vote carried unanimously.**

Chairman Raymond reconvened meeting and called meeting to order at 4:20 p.m.

Director Tsujii presented the Board with curbside ballot for remarking and provided guidance on process. Chairman Raymond remarked ballot, Member El-Amin read provided ballot, and Secretary Russell observed. At completion, Director Tsujii advised ballot was ready for tabulation. One additional ballot was presented a One Stop curbside ballot for review; recommending that the ballot be counted as is; Secretary Russell questioned Board's discretion to process; Director Tsujii noted that the ballot would be handled like an out of precinct ballot with no action required and an approval only. Chairman Raymond brought a vote to accept and process ballot as is; **Vote carried unanimous.**

Director Tsujii directed staff to begin tabulation process. Throughout the course of the tabulation process ballots that required remarking to enable tabulation were presented to the Board for remarking. Chairman Raymond remarked the ballots with Secretary Russell and Member El-Amin observing.

Secretary Russell had to leave meeting briefly at 5:28 p.m. for a personal matter; Quorum remained intact for remarking process. Twelve Early Voting curbside ballots required remarking; Board spoiled original ballots. Director Tsujii presented the Board with the consolidated report for review and signature.

Chairman Raymond moved to recess at 6 p.m.; Member El-Amin seconded motion; **Motion carried unanimously.**

Chairman Raymond brought meeting back from recess and to order at 7:04 p.m. with Secretary Russell present. Chairman Raymond offered a motioned to approved summary of results for the Primary One Stop and Absentee ballot certification; Member El-Amin seconded; **Motion carried unanimously.**

Secretary Russell after review of the March 1, 2016 minutes with additional language moved to approve as presented; Chairman Raymond seconded the motioned to approve minutes; **Motion carried unanimously.**

Director Tsujii updated the Board with the directive as given by the State Board of Elections for staff to begin upload of results to state site to ensure site does not experience overload. Mr. Tsujii also gave brief assessment of election procedures after consulting with Mr. Joyner and Mr.

Duffey, proposing satellite locations for drop-off; additional training and improved training, and ways to streamline the process.

Chairman Raymond inquired about displaying results for the public; Mr. Tsujii suggested use of a projector to display results for the public on Boardroom wall.

Director Tsujii noted that at 10 a.m. on the day of Canvass supplemental absentee ballots would be processed and Canvass to begin at 11 a.m. Mr. Tsujii presented the Board with the unofficial results.

Adjournment

Chairman Raymond moved to adjourn meeting; Secretary Russell seconded the motion; **Motion carried unanimously**. Meeting adjourned at 12:56 a.m. March 16, 2016.

March 15, 2016 Meeting Minutes Approved:

Ken Raymond, Chairman

Date

Stuart Russell, Secretary

Date

Fleming El-Amin, Member

Date

Attachments: N.C.G.S. §163.234

§ 163-234. Counting absentee ballots by county board of elections.

All absentee ballots returned to the county board of elections in the container-return envelopes shall be retained by the board to be counted by the county board of elections as herein provided.

- (1) Only those absentee ballots returned to the county board of elections no later than 5:00 p.m. on the day before election day in a properly executed container-return envelope or absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) shall be counted, except to the extent federal law requires otherwise.
- (2) The county board of elections shall meet at 5:00 p.m. on election day in the board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 p.m. on election day and those received pursuant to G.S. 163-231(b)(ii) or (iii). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties.

Provided, that the county board of elections is authorized to begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 A.M. and 5:00 P.M. and to begin counting all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. Such resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) as provided in subdivision (10) of this section. A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section shall prohibit a county board of elections from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The board shall not announce the result of the count before 7:30 p.m.

- (2a) Notwithstanding the provisions of subdivision (2) of this section, a county board of elections may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner. The board shall complete the counting of these ballots at the times provided in subdivision (2) of this section. The State Board of Elections shall provide instructions to county

boards of elections for executing this procedure, and the instructions shall be designed to ensure the accuracy of the count, the participation of board members of both parties, and the secrecy of the results before election day. This subdivision applies only in counties that use optical scan devices to count absentee ballots.

- (3) The counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and that fact is publicly declared and entered in the official minutes of the county board.
- (4) The county board of elections may employ such assistants as deemed necessary to count the absentee ballots, but each board member present shall be responsible for and observe and supervise the opening and tallying of the ballots.
- (5) As each ballot envelope is opened, the board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the board shall check off the name. Preserving secrecy, the ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot. The "Pollbook of Absentee Voters" shall also contain the names of all persons who voted under G.S. 163-227.2, but those names may be printed by computer for inclusion in the pollbook.

After all ballots have been placed in the boxes, the counting process shall begin.

If one-stop ballots under G.S. 163-227.2 are counted electronically, that count shall commence at the time the polls close. If one-stop ballots are paper ballots counted manually, that count shall commence at the same time as other absentee ballots are counted.

If a challenge transmitted to the board on canvass day by a chief judge is sustained, the ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required herein, the board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered therein. The county board of elections shall be responsible for the safekeeping of the pollbook of absentee voters.

- (6) Upon completion of the counting process the board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board of Elections. The abstract shall be signed by the members of the board in attendance and the original mailed immediately to the State Board of Elections. The county board of elections may have a separate count on the abstract for one-stop absentee ballots under G.S. 163-227.2.
- (7) One copy of the absentee abstract shall be retained by the county board of elections and the totals appearing thereon shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.
- (8) In the event a political party does not have a member of the county board of elections present at the meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county

party chairman of said absent member, or a member of the party's county executive committee, is in attendance. Such person shall act as an official witness to the counting and shall sign the absentee ballot abstract as an "observer."

- (9) The county board of elections shall retain all container-return envelopes and absentee ballots, in a safe place, for at least four months, and longer if any contest is pending concerning the validity of any ballot.
- (10) The county board of elections shall meet after election day and prior to the date of canvass to determine where the container-return envelopes for absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) has been properly executed. The county board of elections shall comply with the requirements of G.S. 163-230.1 for approval of applications. Any absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) shall be counted by the county board of elections on the day of canvass. The county board of elections is also authorized to meet following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) upon the adoption of a resolution pursuant to subdivision (2) of this section. The county board of elections shall comply with all other requirements of this section for the counting of such absentee ballots. (1939, c. 159, ss. 8, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 547, s. 8; 1967, c. 775, s. 1; c. 851, s. 2; 1973, c. 536, s. 1; 1975, c. 798, s. 3; 1977, c. 469, s. 1; c. 626, s. 1; 1989, c. 93, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 55; 1995, c. 243, s. 1; 1999-455, s. 14; 2005-159, s. 1; 2006-262, s. 1; 2009-537, s. 8(d); 2011-182, s. 7.)