

BOARD OF ELECTIONS

Susan Campbell
Chairperson

Stuart Russell
Vice-Chair

Robert Durrah, Jr.
Secretary

John Loughridge, Jr.
Member



Tim Tsujii
Director

Lamar Joyner
Deputy Director

FORSYTH COUNTY BOARD OF ELECTIONS

Agenda – Emergency Meeting

May 29, 2018

10:00 a.m.

1. Meeting Called to Order
2. Public Comments
3. Consideration of Request for Second Recount
4. Other Business
5. Closed Session
6. Adjournment

FORSYTH COUNTY BOARD OF ELECTIONS
Emergency Meeting Minutes
May 29, 2018

Meeting Called to Order

An emergency meeting of the Forsyth County Board of Elections was called to order in the second floor meeting room on May 29, 2018 at 10:00 a.m., Chairperson Campbell presiding.

Board Members in attendance: Chairperson Campbell, Vice-Chairman Russell, Secretary Durrah, and Member Loughridge

Staff Members in attendance: Director Tim Tsujii, Monica Gary, Tracy Teal and Kimberly Stuck

Pledge of Allegiance

Chairperson Campbell led the pledge of allegiance.

Moment of Silence

Chairperson Campbell led a moment of silence.

Public Comment Session

Chairperson Campbell called for public comments, three minutes provided for speaker.

David Singletary – 7890 Misty Mountain Rd, Germanton, NC 27019

Mr. Singletary appeared before the Board to request a hand-to-eye second recount.

Chairperson Campbell closed public comments.

Consideration of Request for Second Recount

The Board and Director Tsujii reviewed the communication provided to and received from Mr. Singletary as well as reviewed statutes N.C.G.S. § 163A-1174 and N.C.G.S § 163A-1175 (included for reference) to determine the proper course of action, discretion allowed, or additional provisions that would allow for granting Mr. Singletary's request for a recount. Additionally, the Board and Director Tsujii discussed the limitations of providing information without violating rules of impartiality or advising a candidate prior to a request for information. The Board asked Mr. Singletary multiple questions regarding timeliness of his request and his understanding of the process.

Vice Chairman Russell moved to deny request for second recount due to untimely request; Member Loughridge seconded; **Motion carried unanimously.**

Approved:

Susan Campbell, Chair

Date

Stuart Russell, Vice Chair

Date

Robert Durrah, Secretary

Date

John Loughridge, Member

Date

Attachment(s): N.C.G.S. § 163A – 1174
 N.C.G.S. § 163A – 1175

§ 163A-1174. Ordering recounts.

(a) Discretionary Recounts. - The county board of elections or the State Board may order a recount when necessary to complete the canvass in an election. The county board may not order a recount where the State Board has already denied a recount to the petitioner.

(b) Mandatory Recounts for Ballot Items Within the Jurisdiction of the County Board of Elections. - In a ballot item within the jurisdiction of the county board of elections, a candidate shall have the right to demand a recount of the votes if the difference between the votes for that candidate and the votes for a prevailing candidate is not more than one percent (1%) of the total votes cast in the ballot item, or in the case of a multiseat ballot item not more than one percent (1%) of the votes cast for those two candidates. The demand for a recount must be made in writing and must be received by the county board of elections by 5:00 P.M. on the first business day after the canvass. The recount shall be conducted under the supervision of the county board of elections.

(c) Mandatory Recounts for Ballot Items Within the Jurisdiction of the State Board. - In a ballot item within the jurisdiction of the State Board, a candidate shall have the right to demand a recount of the votes if the difference between the votes for that candidate and the votes for a prevailing candidate are not more than the following:

- (1) For a nonstatewide ballot item, one percent (1%) of the total votes cast in the ballot item, or in the case of a multiseat ballot item, one percent (1%) of the votes cast for those two candidates.
- (2) For a statewide ballot item, one-half of one percent (0.5%) of the votes cast in the ballot item, or 10,000 votes, whichever is less.

The demand for a recount must be in writing and must be received by the State Board by noon on the second business day after the county canvass. If at that time the available returns show a candidate not entitled to a mandatory recount, but the Executive Director determines subsequently that the margin is within the threshold set out in this subsection, the Executive Director shall notify the eligible candidate immediately and that candidate shall be entitled to a recount if that candidate so demands within 48 hours of notice. The recount shall be conducted under the supervision of the State Board.

(d) Rules for Conducting Recounts. - The State Board shall promulgate rules for conducting recounts. Those rules shall be subject to the following guidelines:

- (1) The rules shall specify, with respect to each type of voting system, when and to what extent the recount shall consist of machine recounts and hand-to-eye recounts. Hand-to-eye recounts shall also be ordered as provided by G.S. 163A-1175.
- (2) The rules shall provide guidance in interpretation of the voter's choice.
- (3) The rules shall specify how the goals of multipartisan participation, opportunity for public observation, and good order shall be balanced. (2001-398, s. 3; 2003-278, ss. 10(b), 10(c); 2005-323, s. 6(a); 2005-428, s. 11(b); 2017-6, s. 3.)

§ 163A-1175. Additional provisions for hand-to-eye recounts.

(a) The rules promulgated by the State Board for recounts shall provide that if the initial recount is not hand-to-eye, and if the recount does not reverse the results, the candidate who had originally been entitled to a recount may, within 24 hours of the completion of the first recount, demand a second recount on a hand-to-eye basis in a sample of precincts. If the initial recount was not hand-to-eye and it reversed the results, the candidate who had initially been the winner shall have the same right to ask for a hand-to-eye recount in a sample of precincts.

That sample shall be all the ballots in three percent (3%) of the precincts casting ballots in each county in the jurisdiction of the office, rounded up to the next whole number of precincts. For the purpose of that calculation, each one-stop (early) voting site shall be considered to be a precinct. The precincts to be recounted by a hand-to-eye count shall be chosen at random within each county. If the results of the hand-to-eye recount differ from the previous results within those precincts to the extent that extrapolating the amount of the change to the entire jurisdiction (based on the proportion of ballots recounted to the total votes cast for that office) would result in the reversing of the results, then the State Board shall order a hand-to-eye recount of the entire jurisdiction in which the election is held. There shall be no cost to the candidate for that recount in the entire jurisdiction.

(b) Recounts under this section shall be governed by rules adopted under G.S. 163A-1174(d).

(c) No complete hand-to-eye recount shall be conducted under this section if one has already been done under another provision of law. (2005-323, s. 6(b); 2017-6, s. 3.)