

**BOARD OF ELECTIONS**

**Stuart Russell**  
Chair

**Susan Campbell**  
Vice-Chairperson

**Robert Durrah, Jr.**  
Secretary

**John Loughridge, Jr.**  
Member



**Tim Tsuji**  
Director

**AGENDA**  
**October 23, 2018**

1. Meeting Called to Order
2. Pledge of Allegiance
3. Moment of Silence
4. Public Comments
5. Approval of Minutes
6. Approval of Absentee Ballots
7. Review of Re-Marked Ballots
8. Pre-Processing of Absentee Ballots
9. Approval of Early Voting At-Large Observers
10. Other Business
11. Closed Session (if needed)
12. Adjournment

**FORSYTH COUNTY BOARD OF ELECTIONS**  
**Meeting Minutes**  
**October 23, 2018**

**Meeting Called to Order**

An absentee ballot meeting of the Forsyth County Board of Elections was called to order in the third floor Professional Development Room on October 23, 2018 at 5:00 p.m., Chairman Russell presiding.

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

**Staff Members in attendance:** Director Tim Tsujii, Monica Gary, Albert Armstrong and Kimberly Stuck

**Pledge of Allegiance**

Chairman Russell led the pledge of allegiance.

**Moment of Silence**

Chairman Russell led a moment of silence.

**Public Comment Session**

Chairman Russell opened public comments:

Brian Miller 4395 Sandalwood Court, Winston Salem, NC 27106

Diana Gray 2310 Ardmore Terrace – Apt# A, Winston Salem, NC 27103

Vice Chairperson Campbell moved to close public comments, Secretary Durrah seconded; **Motion carried unanimously.**

The Board and Director Tsujii addressed Mr. Miller's comments regarding palm cards and other references used by voters. Chairman Russell directed Ms. Gray to the State Board of Elections to address public websites with voter information and requests for funding.

Secretary Durrah moved to address other business; Vice-Chairperson Campbell seconded; **Motion carried unanimously.**

**Other Business**

Director Tsujii opened the floor to Mr. McCann. Mr. McCann stated that he had voted at Southside Library and had witnessed a poll worker providing campaign materials to a voter inside the voting enclosure with the intent to coerce the voter. Mr. McCann provided an overview of the events to the Board. The Board asked Mr. McCann questions for clarification about the matter. Assistant County Attorney Lonnie Albright suggested that One-Stop workers are to be considered County employees. Chairman Russell called for guiding statute to allow for closed session to address Election worker. Mr. Albright provided N.C.G.S. § 143-318.11(a)(6). Director Tsujii provided N.C.G.S § 163A – 1300 as governing statute for One-Stop workers as county employees. Secretary Durrah inquired how statute defined electioneering. Director Tsujii provided N.C.G.S. § 163A-1133(a) and N.C.G.S. § 163A-1134

for clarification. Chairman Russell moved to go to closed session pursuant to N.C.G.S. § 143-318.11(a)(6), Secretary Durrah seconded; **Motion carried unanimously.**

The Board came out of closed session. Chairman Russell moved to direct the elections staff to investigate this matter further and to create an instructional document to remind all One-Stop workers that they are not permitted to provide any campaign materials to voters within the voting enclosure. Secretary Durrah seconded; **Motion carried unanimously.**

#### **Approval of Meeting Minutes**

Vice-Chairperson Campbell moved to approve the October 16, 2018 meeting minutes; Member Loughridge seconded; **Motion carried unanimously.**

#### **Approval of Absentee Ballots**

. Secretary Durrah moved to approve 619 absentee ballots and disapprove 73 absentee ballots; Chairman Russell seconded; **Motion carried unanimously.**

Director Tsujii presented the Board with the One-Stop Absentee Voter list of 20,257 early voters for review and approval. Chairman Russell moved to approve the One-Stop Absentee Voter list; Member Loughridge seconded; **Motion carried unanimously.**

#### **Approval of Early Voting At-Large Observers**

Director Tsujii presented the Board with 55 Early Voting Observers and three Election Day Observer lists, which were all timely, for review and approval. Chairman Russell moved to approve the list of observers; Vice-Chairperson Campbell seconded; **Motion carried unanimously.**

Director Tsujii discussed reports of voters being given the incorrect voter style; noting that all sites had been contacted with a reminder to verify voter precinct and ballot style. Mr. Tsujii also discussed the state recommended use of the stylus on the Ivotronic noting that it has been helpful.

Chairman Russell moved to table pre-processing of Absentee ballots; Secretary Durrah seconded; **Motion carried unanimously.**

#### **Adjournment**

Chairman Russell moved to adjourn the meeting; Secretary Durrah seconded; **Motion carried unanimously.**

Approved:

\_\_\_\_\_  
Stuart Russell, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Susan Campbell Vice-Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Durrah, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
John Loughridge, Member

\_\_\_\_\_  
Date

Statutes Reference attached in order of reference.

**§ 143-318.11. Closed sessions.**

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not

consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)

**§ 163A-1300. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.**

(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an application for absentee ballots, complete the application, and vote under the provisions of this section and G.S. 163A-1301, 163A-1302, 163A-1303, and 163A-1304.

(b) Not earlier than the second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

(c) If the application is properly filled out, the authorized member or employee shall enter the voter's name in the register of absentee requests, applications, and ballots issued and shall furnish the voter with the ballots to which the application for absentee ballots applies. The voter thereupon shall vote in accordance with subsection (e) of this section.

All actions required by this subsection shall be performed in the office of the board of elections, except that the voting may take place in an adjacent room as provided by subsection (e) of this section. The application under this subsection shall be signed in the presence of the chair, member, director of elections of the board, or full-time employee, authorized by the board who shall sign the application and certificate as the witness and indicate the official title held by him or her. Notwithstanding G.S. 163A-1310(a), in the case of this subsection, only one witness shall be required on the certificate.

(d) Only the chairman, member, employee, or director of elections of the board shall keep the voter's application for absentee ballots in a safe place, separate and apart from other applications and container-return envelopes. If the voter's application for absentee ballots is disapproved by the board, the board shall so notify the voter stating the reason for disapproval by first-class mail addressed to the voter at that voter's residence address and at the address shown in the application for absentee ballots; and the board shall enter a challenge under G.S. 163A-916.

(e) The voter shall vote that voter's absentee ballot in a voting booth in the office of the county board of elections, and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote that voter's absentee ballot in that room. A voter at a one-stop site shall be entitled to the same assistance as a voter at a voting place on election day under G.S. 163A-1139. The State Board shall, where appropriate, adapt the rules it adopts under G.S. 163A-1139 to one-stop voting.

(f) At any site where one-stop absentee voting is conducted, there shall be a curtained or otherwise private area where the voter may mark the ballot unobserved.

(g) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters.

(h) Notwithstanding the exception specified in G.S. 163A-776, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in G.S. 163A-1300(b) and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct one-stop absentee voting during evenings or on weekends, as long as the hours are part of a plan submitted and approved according to G.S. 163A-1303. The boards of county commissioners shall provide necessary funds for the additional operation of the office during that time.

(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be entered against a voter at a one-stop site under G.S. 163A-1303 or during one-stop voting at the county board office. The challenge may be entered by a person conducting one-stop voting under this section and G.S. 163A-1301, 163A-1302, 163A-1303, and 163A-1304 or by another registered voter who resides in the same precinct as the voter being challenged. If challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot in the same way as other voters. The challenge shall be made on forms prescribed by the State Board. The challenge shall be heard by the county board of elections in accordance with the procedures set forth in G.S. 163A-916(e). (1973, c. 536, s. 1; 1975, c. 844, s. 12; 1977, c. 469, s. 1; c. 626, s. 1; 1979, c. 107, s. 14; c. 799, ss. 1-3; 1981, c. 305, s. 2; 1985, c. 600, s. 4; 1987, c. 583, s. 4; 1989, c. 520; 1989 (Reg. Sess., 1990), c. 991, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 53; 1995, c. 243, s. 1; c. 509, ss. 117, 118; 1995 (Reg. Sess., 1996), c. 561, s. 4; 1997-510, s. 2; 1999-455, s. 6; 2000-136, s. 2; 2001-319, s. 5(a)-(c); 2001-337, s. 2; 2001-353, s. 9; 2003-278, s. 11; 2005-428, ss. 5(a), 6(a), 7; 2007-253, s. 3; 2007-391, s. 34(a); 2009-541, s. 23; 2013-381, ss. 2.7, 16.5, 25.1, 25.2, 25.3, 30.7; 2014-111, s. 3; 2015-103, ss. 6(b), 8(b), (c); 2017-6, s. 3.)



**§ 163A-1133. Limited access to the voting enclosure.**

(a) **Persons Who May Enter Voting Enclosure.** - During the time allowed for voting in the voting place, only the following persons may enter the voting enclosure:

- (1) An election official.
- (2) An observer appointed pursuant to G.S. 163A-821.
- (3) A runner appointed pursuant to G.S. 163A-821, but only to the extent necessary to announce that runner's presence and to receive the voter list as provided in G.S. 163A-821.
- (4) A person seeking to vote in that voting place on that day but only while in the process of voting or seeking to vote.
- (5) A voter in that precinct while entering or explaining a challenge pursuant to G.S. 163A-913 or G.S. 163A-914.
- (6) A person authorized under G.S. 163A-1139 to assist a voter but, except as provided in subdivision (7) of this section, only while assisting that voter.
- (7) Minor children of the voter under the age of 18, or minor children under the age of 18 in the care of the voter, but only while accompanying the voter and while under the control of the voter.
- (8) Persons conducting or participating in a simulated election within the voting place or voting enclosure, if that simulated election is approved by the county board of elections.
- (9) Any other person determined by election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

(b) **Photographing Voters Prohibited.** - No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site.

(c) **Photographing Voted Ballot Prohibited.** - No person shall photograph, videotape, or otherwise record the image of a voted official ballot for any purpose not otherwise permitted under law. (2001-460, s. 3; 2005-428, s. 1(b); 2007-391, s. 23; 2008-187, s. 33(a); 2017-6, s. 3.)

**§ 163A-1134. Limitation on activity in the voting place and in a buffer zone around it.**

(a) Buffer Zone. - No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in a buffer zone which shall be prescribed by the county board of elections around the voting place. In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at more than 50 feet or at less than 25 feet.

(b) Area for Election-Related Activity. - Except as provided in subsection (c) of this section, the county board of elections shall also provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.

(c) Special Agreements About Election-Related Activity. - The Executive Director of the State Board may grant special permission for a county board of elections to enter into an agreement with the owners or managers of a nonpublic building to use the building as a voting place on the condition that election-related activity as described in subsection (b) of this section not be permitted on their property adjacent to the buffer zone, if the Executive Director finds all of the following:

- (1) That no other suitable voting place can be secured for the precinct.
- (2) That the county board will require the chief judge of the precinct to monitor the grounds around the voting place to ensure that the restriction on election-related activity shall apply to all candidates and parties equally.
- (3) That the pattern of voting places subject to agreements under this subsection does not disproportionately favor any party, racial or ethnic group, or candidate.

An agreement under this subsection shall be valid for as long as the nonpublic building is used as a voting place.

(d) Notice About Buffer Zone and Area for Election-Related Activity. - No later than 30 days before each election, the county board of elections shall make available to the public the following information concerning each voting place:

- (1) The door from which the buffer zone is measured.
- (2) The distance the buffer zone extends from that door.
- (3) Any available information concerning where political activity, including sign placement, is permitted beyond the buffer zone.

(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. - Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304.

- (1) Subsection (c) of this section shall not apply.
- (2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site. (2001-460, s. 3; 2003-365, s. 1; 2007-391, s. 13; 2008-187, s. 33(a); 2009-541, s. 22(a); 2017-6, s. 3.)