



ORANGE COUNTY
NORTH CAROLINA
BOARD OF ELECTIONS

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Orange County Board of Elections
Thursday, March 12, 2020 – 4:30 PM

Present: Jamie Cox, Chair; Shawnee Bigelow, Secretary; Clare Brennan; Elvira Mebane; Jason Roberts; Rachel Raper, Director; and John Roberts, County Attorney

Call to order:

Jamie Cox, Chair called the meeting to order.

Ms. Seese made a motion and Ms. Brennan seconded a motion to adjust the agenda to allow the preliminary hearing to be the first order of business. The motion passed unanimously.

Preliminary Hearing of an Election Protest:

Erika Bales:

After review of protest documents submitted by Ms. Bales and public records, Mr. Roberts made a motion and Ms. Seese seconded a motion to dismiss the protest as it fails to allege facts sufficient to constitute substantial evidence of the occurrence of an outcome-determinative violation of election law, irregularity, or misconduct. The motion passed unanimously. Mr. Cox filed an order on the dismissal of Ms. Bales' protest due to lack of probable cause in the office of the Orange County Board of Elections.

Edmund Tiryakian:

After review of the protest documents submitted by Mr. Tiryakian and public records, Mr. Roberts made a motion and Ms. Seese seconded a motion to dismiss the protest as duplicative of the protest filed by Ms. Bales and failing to allege facts sufficient to constitute substantial evidence of the occurrence of an outcome-determinative violation of election law, irregularity, or misconduct. The motion passed unanimously. Mr. Cox filed an order on the dismissal of Ms. Bales' protest due to lack of probable cause in the office of the Orange County Board of Elections.

Present to Address the Board:

Erika R. Bales, Patrick Mulkey, Ed Tiryakian

Closed Session:

Ms. Seese moved and Ms. Brennan seconded a motion to move into closed session as permitted in NCGS 143-318.11(a)(3) to preserve the attorney-client privilege. The motion was unanimous. Mr. Roberts moved and Ms. Seese seconded a motion the Board return to open session. The motion was unanimous.

Adopt the Orders of Dismissal:

Mr. Roberts made a motion and Ms. Seese seconded a motion to adopt the orders of dismissal as discussed with counsel in closed session. The motion was unanimous.

Director's Report:

Director Raper provided:

- Supplemental Absentee By-Mail Ballots Cast
- Provisional Ballots Cast
- Sample Audit Count: Glenwood and Saint Mary's

Supplemental Absentee By-Mail Ballots Cast:

The director reported there were 261 civilian absentee ballots, 74 overseas absentee ballots, and 6 military absentee ballots cast for which approval is recommended. There are 55 civilian ballots received after the deadline for which rejection is recommended. There are 6 civilian ballots for which rejection is recommended due to missing required elements.

Provisional Ballots Cast:

The director reported a total of 255 provisional ballots cast. The director presented staff's recommendation to fully approve 74, partially approve 22, and not approve 155 provisional ballots cast.

Sample Audit Count:

The director reported the State Board of Elections selected the Glenwood and Saint Mary's precincts for the sample audit count.

Board Actions:

Ms. Seese made a motion and Ms. Mebane seconded the motion to accept staff recommendations and fully approve 74, partially approve 22, and not approve 155 provisional ballots. The motion was unanimous.

The Board opened the provisional application envelopes to be partially counted and duplicated the ballots and inserted the ballots into the tabulator. The Board opened the provisional application envelopes to be fully counted and inserted the ballots into the tabulator. The Board duplicated the ballot to be partially counted and inserted into the tabulator. The ending count on the tabulator was 95.

Ms. Mebane made a motion and Ms. Seese seconded a motion to approve 261 civilian absentee ballots. The motion passed unanimously. Mr. Roberts made a motion and Ms. Seese seconded a motion to approve 74 overseas ballots. The motion passed unanimously. Ms. Seese made a motion and Ms. Mebane seconded the motion to approve 6 military absentee ballots. The motion passed unanimously. The motion passed unanimously. Ms. Mebane made a motion and Ms. Seese seconded a motion to reject 61 absentee ballots due to an untimely return. The motion passed unanimously.

The Board opened the application envelopes and the ballots were inserted into the DS200 tabulator. The ending count on the tabulator was 341. The Board certified and signed the supplemental absentee abstracts that shall be submitted to the State Board of Elections as required.

The Board conducted the sample audit count for Cameron Park and Saint Mary's precincts. The ending hand-eye count was the same as the original machine count in both precincts. This information shall be reported to the State Board of Elections.

Adjournment:

Mr. Roberts moved and Ms. Mebane seconded the motion the Board adjourn. The motion passed unanimously.

Next Scheduled Board Meeting: March 13, 2020 at 11 am

DRAFT