

Eddie L. Edwards III

Chairman

Jimmy E. Hull

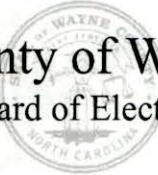
Secretary

Nicki T. Artis

Member

County of Wayne

Board of Elections



Bridgette C. Cowan

Member

Charles Wright

Member

Anne C. Risku

Director

Wayne County Board of Elections Board Meeting April 12, 2022

Eddie L. Edwards, III, Chairman

Nicki T. Artis, Member

Charles Wright, Member

Anne C. Risku, Director

Jimmy E. Hull, Secretary

Bridgette C. Cowan, Member

Andrew Neal, Staff Attorney(absent)

The meeting was called to order at 5:00 p.m. by Mr. Edwards.

I. Approval of April 12, 2022 meeting agenda

- Ms. Cowan made a motion to approve the April 12, 2022 meeting agenda. Mr. Hull seconded the motion. The vote was unanimous.

II. Approval of March 8, 2022 meeting minutes

- Mr. Wright made a motion to approve the March 8, 2022 meeting minutes. Mr. Artis seconded the motion. The vote was unanimous.

III. ExpressVote introduction and demonstration from PrintElect

- Ms. Risku introduced Lauren Hines, the District 7 SST for the State Board of Elections, and Tom Janysek from Printelect. Ms. Risku stated that the ExpressVote purchase was on her CIP for this year's budget and that this was the second half of the new voting system that was purchased in 2019.
- Mr. Janysek introduced the ExpressVote to the Board. He stated that some counties use the ExpressVote instead of printed ballots but that it is the replacement of the AutoMark that is the County's current ADA compliant machine. PrintElect has promised to maintain the AutoMarks as long as possible but it is unknown how long parts will be available. The ExpressVote weighs about half as much as the AutoMark and the paper used on it costs about half as much as regular ballot stock. It has been used in North Carolina since 2020. Mr. Janysek then demonstrated the machine to the Board.
- After the demonstration, Mr. Edwards asked to clarify the verification process of votes cast. Mr. Janysek stated that reinserting the voted ballot into the ExpressVote will show the voter's selections on the screen. Mr. Hull asked if the ExpressVote ballot was processed in the tabulator like regular ballots. Mr. Janysek responded in the affirmative. Ms. Cowan asked about security and accuracy. Mr. Janysek stated that these machines will go through pre-election testing just like the DS200s. Mr. Hull asked what if someone walks out with one of the ExpressVote ballots. Mr. Janysek said the process would be the same if someone walked out with a regular ballot. Mr. Janysek explained that in future software updates the ExpressVote will be able to mark the ballot as a

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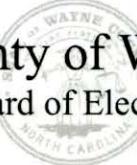
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provisional ballot which will let the DS200 know not to accept it. This could be used to eliminate provisional ballots erroneously being placed in the DS200. Mr. Janysek stated the quote includes a rebate on the return on AutoMarks as they can be used as parts or replacements for other locations. Mr. Janysek explained the testing procedures the county will go through after purchase. Mr. Artis asked if there was a warranty on the machines. Mr. Janysek stated that the machines come with a one year warranty and that they all have a yearly maintenance agreement as required by the State Board of Elections. Ms. Cowan asked about the longevity of the machine. Mr. Janysek stated that ES&S has designed the machine to be upgraded so they should be in use for a long time. Ms. Risku stated that this is something that has been discussed since 2019 and that we have an obligation to our ADA voters to have up to date equipment. Mr. Wright asked when the request will be presented to the County Commissioners. Ms. Risku said it will be in this year's CIP so it will be during this year's budget process. Mr. Wright then asked about the validity of the quote. Mr. Janysek stated that the quote won't change.

IV. Public Comment

- No members of the public presented to speak during the public comment section

V. Resolutions

- *Counting of absentee ballots on Primary Election Day and adding an extra meeting prior to County canvass.*
 - Ms. Risku presented and read aloud the resolution. Ms. Cowan made a motion to approve the resolution. Mr. Hull seconded and the vote was unanimous.
- *Delegation of Administrative Duties*
 - Ms. Risku presented and read aloud the resolution. Mr. Wright made a motion to approve the resolution. Mr. Artis seconded the motion and the vote was unanimous.

VI. Absentee by mail ballot application approval:

- Presentation and approval
 - Ms. Risku presented the Board with (4) Civilian, (2) Overseas, and (1) Military properly executed Absentee ballots. The ballots were reviewed and approved.
- Processing
 - Ms. Risku scanned the ballots into the DS200 Tabulator. The ballots were boxed and sealed by the Board.
- Reconciliation
 - The Board reviewed and signed the *Executed Absentee Ballot list, Cover Sheet for List of Envelopes Acted Upon and Approved or Disapproved in Lieu of Signing Individual Envelopes*, the *DS200 Zero tape*, and the *Absentee Processing Log*.

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VII. Mr. Edwards expressed support for a vote to allow Ms. Risku to move forward with the proposal to purchase ExpressVotes. Mr. Hull made a motion to authorize Ms. Risku to draft a letter to the Board of Commissioners from the Board of Elections in support of the purchase of ExpressVotes. Mr. Wright seconded the motion. The vote was unanimous.

Mr. Edwards asked if any board members had any further discussion. Mr. Wright asked to be recognized.

Mr. Wright: "Mr. Chair, I just wanted to mention a couple of things, I know Ms. Cowan has an obligation, I'll try not to be long winded. I could do this after but it would be unofficial. I wanted to first ask, number one, I got a couple of calls during the week 'Charles, how come you didn't show up? Where were you the other night?' And as I understand it there was some kind of meeting. And I just wanted to know – I'm assuming it wasn't an official meeting because there were only two people represented – and I understand the quorum rule. But that was something the city has always used for loads and loads of years and I just wanted to see if there was some way we could make these official. So all five of us – if we're going to be a county – if it's important enough to get your attention and Jimmy's attention to attend then it's important enough, well, at least, to offer. We would, our members here, as a group, are open to having special meetings where it is above and beyond our obligation of monthly meetings and voting meetings. But if there's an issue that comes before the public and gets a lot of public attention, like we did get emails from Ms. Anne, and I realize there was a lot of public attention on interpretation and the two board members are present and three are not. If we could, moving forward, give all the board members the opportunity and make it an official meeting. And therefore if people have questions, I guess, or what is the rationale and the history behind that? Because I just don't like the idea of a body meeting and only two, and it's not a meeting because it's not a, and I've seen that in this county forever."

Ms. Risku "Can I explain? Can I explain? Ok."

Mr. Edwards "Let me. First of all when we say the word meeting, you know, that has its own connotation. And it wasn't a meeting. What it was was an informal education session which we through the Director's vision wanted to take principal parties – the two leaders of the two parties – and empower them with information so that we as a board wouldn't be asking – or answering questions that do not concern administering elections. So it wasn't a meeting. It was an information session that we took the two principal parties so then they could train the trainers – other people that they come in contact with – with pertinent information about elections administration. So it wasn't a meeting. It wasn't a meeting because if all of us get together it's a meeting."

Mr. Wright: "I understand that and that's the point I'm raising. I realize it wasn't a meeting but I'm just saying people see that as a – if it was just Ms. Risku there, Ms. Anne was the only one there, and not two board members there, even though it's official or not official, the public may see that as a quasi – that's why I got calls that say 'Well, where were you, Charles? Where were you Mr. Wright?' because you and Jimmy represented the Board whether it's official or

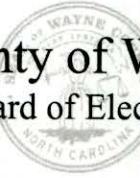
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not. If you two go out for lunch and talk about something and someone may say 'But where's the rest of you guys?' I'm just saying that the appearance of it – whether you want to call it a meeting or non-meeting – it still has the same. People wouldn't have called me if they said 'oh that was just an informal.'

Mr. Edwards: "Well let me say this, Ms. Risku receives a lot of calls that takes her away, and the staff, from doing their job. We took all of that possible information, put it together, and gave it to the people, ok, in hopes of eliminating a lot of that that does not, one, fall under her purview of responsibilities, and two, keeps her from doing her job. So when she brought it to me – it was my, it was my gathering. Me, as the Chair, with her being the primary instructor. So she asked, 'Who should we invite?' I said 'Both party chairs.' And she said 'If we do that, who else?' I said 'Well I need somebody on this side and I represent the other side. And then if they want to invite a guest, as well.' And that's what we did to ensure that everybody – that we had a cross section of folks in the community here sharing that information. Now, perception, we can go a number of ways as far as what that looks like, but the intent was clearly explained and I don't think folks have a problem with that. Now folks may have wanted other people here – and I got that – but what we did I think is decent and in order and I don't think it gave the impression from my seat, and my purview, that anything that wasn't above board was done or intended to be done."

Ms. Risku: "There was no policy, no decision making, it was strictly educational. It was my idea. I came up with it. I thought of doing like a public – like a town hall type – but then thought better of it because I didn't want it to become, I didn't want it to turn into a political – like, you know, candidate to candidate. I really just wanted to give both party chairs information. Which is in these binders that I made for them."

Mr. Edwards: "And all of you have them because of that very thing. You get phone calls and you have the exact materials that was shared, open to you. Share it the same way we put it out. And I'm not against doing it again and then I not be here and anyone else that wants to come and do it a second time because it was successful."

Ms. Risku: "Right, and ideally I'd like to do it for every election."

Mr. Edwards: "Exactly."

Ms. Risku: "Because I think it will help. Both of them sort of, you know, had ah-ha moments of 'I didn't know that.' You know, thank you for explaining that. And, to me, you know, just explaining what the primary was, you know, as far as Libertarian, Unaffiliated, Town of Mt Olive, Non-partisan. It was clear to me that they didn't really understand it. So for them to be able to convey to their party members, I just felt."

Mr. Hull: Stated that he thought it was successful. A town hall style meeting would not be possible. And this was a great representation of election administration.

Ms. Risku: "And that was my point."

Mr. Wright: "I'll leave the point – someone else wanted to comment on it. It's not the content of what you presented – you keep going back to that. It's the way it was presented. Not necessarily perception – it's real. It was real that two members of this board was present, three members of this board was absent for whatever good intent you may have had that is not

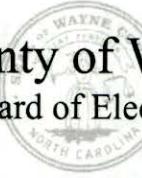
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perception, that is fact. So the fact that I got calls from people bared that out because the first thing I was asked was 'Well where were you, Mr. Wright?' because it infers that either I didn't know what was being talked about, I didn't have the education or the background to sit and discuss that with a non-partisan group, or it was, or I didn't attend and was supposed to attend so. I had no (unintelligible) that this was going to happen. No one sent me an email saying 'Mr. Wright were going to meet as Chair and Mr. Hull will be there so this is what's going to go on, this is what is going to happen.' I had no, I had no idea about that until I started getting calls. I'm just saying is this the way this Board is going to be acting moving forward. So I know what to expect. That, you know, Board of, whether its educational or policy or whatever – that Board of Elections business or information could be discussed in a quasi-official type of environment where you have two people – knowingly once you have two people you don't have a. All I'm saying is from my experience here in Wayne County in the last thirty years, I've seen this done repeatedly, by all three bodies: School Board, County Commissioners and most definitely by City Council and it's a methodology that holds some people in the group and some people outside the group."

Mr. Edwards: "Excuse me just a second. It was not done in the intent to slight anyone. Actually it was done with all the responsibilities that we all got. We're all busy, with full time jobs and other non-profit pursuits. I took the responsibility to not necessarily obligate my time but to make sure that what Ms. Risku wanted to do – that I was there to support her where I wouldn't need to bother anybody else. Ok. Now, what, I think we can consider going forward because we do need to do it again no matter how we try to craft it. It was a successful event. Now I'm not concerned about the, you know, crafting of something that was done that, you know, by some other body. I'm concerned about – the last thing I said – and I'll say it here, my name is on the bottom of each ballot in this county. And that means something as far as the objective is concerned. So nobody was doing anything here underhanded, nobody was doing anything to push anybody aside or keep anybody out. I actually was doing it to take on the responsibility to ensure what she wanted to do was done with the people who are politically invested in making sure candidates have the right information – and those are the party chairs. And I stood there representing everybody. So, that, and the only reason that Mr. Hull was here, was so it would be fair. It wouldn't be just the democratic chair there talking to everybody else. We had someone on the other side as well. So that is why it was done that way. Now, if you want to get mad at an email not going out telling everybody on this board – then you get mad at me but not Ms. Risku."

Mr. Wright: "Nobody's saying I'm getting mad. I'm just questioning the policy of this board moving forward. Is this gonna be a, Nikki, could you?"

Mr. Artis: "I understand what you're saying Mr. Chairman and I understand what you're saying too. And there was no – there was nothing behind it. You know what I'm saying? Like he said, the intent with Ms. Risku, I understand, he's right, there was no – there was nothing cooked up or anything like that but I do understand in the future."

Ms. Risku: "I get accused of enough stuff, I'm not gonna sit here. Nicholas, you can take over the meeting." At this point Ms. Risku left the meeting.

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Mr. Artis: "Mr. Wright is just saying in the future how do we go about including or inviting everyone? That's all he's saying."

Ms. Cowan: (inaudible)

Mr. Edwards: "It was the Republican Chair and the Democratic Chair and they both had the opportunity to bring a guest and that was it and then I had a guest."

Mr. Artis: "Yeah, I understand what he's saying and there was nothing, the way all of this was put together, there was no, there was nothing done, nothing to try and leave anyone out. But I understand what Mr. Wright is saying. He's saying that in the future, what can we do, moving forward, you know what I'm saying, to invite or to include?"

Mr. Edwards: "If we – and we probably will – because this particular activity was so successful that we need to do it again. So if we do it again, then of the three Democratic reps on the Board, we can get someone else to represent. You would be the Republican representative. If we bring in, not only the Chairs of the party, but the public, in general, to educate them. And we've got fair representation. And it would not be, it can't be, because if we all get together, it would be a meeting and we can't do that."

Mr. Artis: "Right."

Mr. Wright: "Are you saying it's legally wrong for us to have an informational meeting as the Board of Elections?"

Mr. Edwards: "Yes."

Mr. Wright: "The Board of Elections cannot have informational meetings? "

Mr. Edwards: "We cannot have a meeting to give out information to the public just all willy nilly. No. If we have a meeting it has to be an expressed reason as to why, our monthly meeting, we have agenda items. Now if we wanted to begin, say, at one of our monthly meetings, if we wanted to have an information session again, then the structure that we used the last time. We'll do that again. But we just can't have a meeting and bring the public in just to have a discussion."

Crosstalk between Mr. Edwards and Ms. Cowan

Ms. Cowan: "Let me say this. I think that the presentation doesn't sit well in terms of who's seeing and who's listening, as with Mr. Wright. I understand what you all did. (Inaudible) I get that. I also get his, what he's saying is, if by chance the communication is not there, which is what it all boils down to. There's problems that can be presented because it looks like there's division. (Inaudible) So that's not good for us as a board. (Inaudible) And that's where the issue is."

Mr. Edwards: "And that's why I said I apologize for that. Because I can see that."

Ms. Cowan: "So that's what, we have to have, we have to be united. (Inaudible) I don't like the term united front because that sounds like its fake but we have to be united. Because had we been notified and they come to him, he could say 'yeah we knew that.' So it covers us as a board and that's what we need."

Mr. Edwards: "That was on me."

Ms. Cowan: "And we have to cover ourselves and the board as a unit so this kind of thing doesn't occur. So that he's not caught off guard or he's not caught off guard or you're not

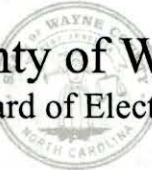
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caught off guard, etc. Because it really shouldn't happen in that manner. But should it happen? Sure. But everyone should have opportunity. So, 'Ms. Cowan, do you?' 'No, I've got a concert to go to' and you know we can read the information. So that's understandable but as is (Inaudible)."

Mr. Edwards: "Got it. And as I said earlier, I'll apologize for that. The (Unintelligible) is on me. I assumed the email went out."

Inaudible crosstalk between Mr. Hull, Mr. Edwards and Ms. Cowan.

Mr. Wright: "I understand all that, all I'm saying is that, from a Board of Education standpoint, a quick community release that says we have had multiple concerns, multiple interests, about this information, and as a result of that the board has elected to come together and have a special session. Either, you know, invite certain people or also invite the public to come if they so choose to sit in the audience and then even, then even, do away with the four minutes if it's a special meeting. Or keep the four. But have some kind of structure to it so that we always are as a board addressing what the public out there has questions about. Not one or two of us. But as a board we are addressing their concerns, their needs, their uncertainties, as some of the people that was there promptly gave me a phone call. But it's just that, you know. I'm just saying."

Edwards: "I'm not gonna say (Inaudible)."

Mr. Wright: "We can't make that a meeting rather than having these impromptu unofficial meetings of sharing of information because why can't we make this sharing of information on an official basis. What are we gonna say that's any different. That's the truth. I don't see any of us necessarily taking sides one way or the other. Its (Unintelligible). We are just more or less supporting our director because she's identified this problem. And she identified her response and we can have a chance to read her response and say yeah I agree with it 100%. Yes, I will sit up here and I may not say anything at all about it. Just look important and look like I know what they're talking about and let our director or our chair or any other member who is really in tuned with everything and what we talked about. But at least that shows a unified, coordinated and everyone sees their representative that they may or may not have had a point in recommending for us to sit here. But I don't want to just feel as though I'm just going through the motions week after week, meeting after meeting. And then when the public is invited or outside then I'm nowhere to be found or any other board members nowhere to be found. And I'm just. I would just bring up the fact could this be handled in an official capacity verses a quasi-official capacity where you only have two (inaudible). You know, there's nothing to say that we can't set the highest of standards in the way we conduct ourselves as board members and just because we can do something doesn't mean it necessarily has to be the best way to do. Can we not set a higher standard by our body by saying 'hey, we are five members? We address, we address any concerns of our public as a five member unit, of five members representative of your board – Wayne County Board of represents - not that we are gonna choose one or two to represent but all five."

Mr. Edwards: "(Inaudible). Make sure everyone's (Inaudible). Any perception that impartiality any way shape or form (inaudible). This was something that she felt like she wanted to do to

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get the information out. Keep her and staff from stopping what they're doing to answer questions a lot of times that's not in their purview. Empower people that we have to be able to talk intelligently as it relates to what their responsibilities is of the County Board of Elections. As it relates to what their responsibilities are. How to work together. (Inaudible). Takeaway, I got it, if we do it again, everybody will be aware of it. Communication will go out to make sure everyone is (Inaudible)."

Inaudible crosstalk between Mr. Hull, Mr. Edwards, and Ms. Cowan

Cowan: "It's the presentation"

Edwards: "Absolutely."

Wright: "I only had one other concern. Have we gotten any new information from our State Board of Elections concerning court decisions concerning felons having the right to vote or is that still the same place it's at with the last message that came down. Anything new? Nothing new since that last? That's all."

Edwards: "No change."

VIII. Adjournment

- a. With all business having been conducted, Ms. Cowan made a motion to adjourn and Mr. Wright seconded the motion; the meeting adjourned at 6:38 p.m.



Jimmy E. Hull, Secretary