

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

The Rockingham County Board of Elections met Tuesday, October 17, 2023 at 5:30 p.m. at the Rockingham County Board of Elections Office.

Board Members Present: Ophelia Wright, Chair; Sarah Totten, Secretary; Nelson Cole, Member; Thurman Hampton, Member; and Tom Schoolfield, Member.

Staff Members Present: Paula Seamster, Director.

ITEM #1 – MEETING CALLED TO ORDER

Chair Wright called the Board meeting to order at 5:30 p.m. Chair Wright welcomed the Board members and the guests that were present and those who were watching online.

ITEM #2 – PLEDGE OF ALLEGIANCE

Ann Brady led the Pledge of Allegiance.

ITEM #3 – INVOCATION

Invocation was given by Pastor Donald DeLancey, Resurrection Life Church in Eden.

ITEM #4 – APPROVAL OF THE AGENDA

Member Cole moved, seconded by Member Schoolfield to approve the agenda. The motion carried unanimously.

ITEM #5 – APPROVAL OF MINUTES

Secretary Totten moved, seconded by Member Hampton to approve the September 19, 2023 Regular Meeting minutes. The motion carried unanimously.

ITEM #6 – PUBLIC COMMENTS

Chair Wright opened Public Comments and asked the Director to read the Public Comments policy.

Diane Parnell –

“Madam Chairman, Board Members, thank you for letting me come to speak with you. I am Diane Parnell, I live at 220 Woodland Drive and this is a pleasure having a Board that we can come and speak with. You know that I have been here twice before and I was encouraging you to set policy. Some of the issues that we had the last time we had an election and I know that we are, I am speaking as the Republican Party Chairman, it is not necessarily the opposing party, it’s not a party, but I do want to see some decorum. I do realize you can’t legislate decorum and kindness and I encourage you to be more stringent in the wording of what you are putting forth. For instance, we have always been told before if you go out and put up a tent you are going to share it. If you say you may need to share it, I am not easily intimidated, I may or may not share my tent depending on the actions of the people but if you say to me you must share that tent if you put that tent up then you set a policy. You have the power to set the policy, we will follow that policy. I like the idea of the chief judge being able to handle issues that happen outside. I think that would be a good balance of keeping control for what is happening there. I hope you will consider that. I did check with our NC GOP attorney to ask if there are any other counties that have these same issues or was this anything that could not be done. For instance, someone campaigning outside of electioneering and them not behaving themselves so to speak, could the chief judge ask them to leave and he said

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

absolutely they could. Now I am assuming, this is a gentleman that was handling elections so I am assuming that y'all have the same thing. Unfortunately it has come a time, we see this all over American, not just today or this election that we have to set the rules and we have to adhere to those rules and enforce them. Thank you for letting me be here tonight. Thank you.”

The Director read the email from Tamar Lipscomb, Vice Chair (Acting Chair) of the Democratic Party-

“After reviewing the Rockingham County Board of Elections October Agenda it appears there has been some discussion regarding electioneering and expectations at the polls; however, the Rockingham County Democratic Party was not made aware and has not been included in any discussions as indicated on your agenda (Item #9). We have not had adequate time to work within our party to process the information; therefore, we are NOT in agreement with the items proposed.”

Ann Brady –

“Thank you very much for having me here. My name is Ann Brady, I live on Highway 65 in Rockingham County, Reidsville. I am also a member of the Executive Board of the Rockingham County Democratic Party. You just listened to the correspondence from our current Acting Chair who was not able to come tonight. She notes that we were unaware of any discussions about electioneering rules or mandates or suggestions, whatever they are until we found it posted on the website yesterday evening. We therefore request time for our party to process and respond to the suggested rules. I repeat what Ms. Lipscomb said, our party does not concur with these suggestions as written. Just to make it clear part of what is on the website reads ‘To address rising concerns over activity occurring in or around areas adjacent to statutorily defined buffer zones at each polling place, the Rockingham County Board of Elections, the Rockingham County Democratic Party, the Rockingham County Republican Party, and the Rockingham County Libertarian Party mutually have agreed upon the following principles...’ We have never been consulted, we didn’t even know this was happening so this is not right. Honestly, I agree with you totally. We need some changes, we need some things to happen, what I don’t want is to be blind sighted and not have a chance to process. There is a lot of information in here, there is like almost 20 pages of information attached. We need time as a party to process this. I personally found some of the suggestions very appropriate, some were useful, some I think we are doing anyway and some frankly were intrusive in my opinion and that is me speaking, we have not had time as a party to do it. I just request that any action by the Board of Elections be postponed until all the parties involved have time to process it and weigh in. If the goal is to develop rules jointly between the political parties and the Board of Elections then I think that is an admirable goal, we just want to be included in the discussions and not have anything mandated until we have that opportunity. Thank you very much.”

Secretary Totten asked the Chair if she could ask Ms. Brady a question. Chair Wright responded yes.

Secretary Totten asked Ms. Brady where she found the information. Ms. Brady responded that she found it on the Board of Elections website. She added that they just happened to find it the day before the meeting. Secretary Totten stated that she was just curious if it was found on another website or somewhere else. Ms. Brady responded that it was found on the Board of Elections website.

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

Chair Wright closed Public Comments.

ITEM #7 – VOTER PHOTO ID TRAINING

Member Schoolfield stated that Photo ID for the Board of Elections staff is going to be a challenge because it has never been implemented before and it has not been experienced before. He stated that staff will have to look at a photo and determine if they are that person. Member Schoolfield stated that he had some concerns because some people have dyed their hair, lost their hair, and the individual may look different from what they looked like 8 years ago when they got their drivers' license. He stated that he just wanted to throw it out there and added that he was sure the Director had taken steps to ensure this could be handled appropriately. Member Schoolfield asked the Director to talk about some of the things that had been done to help staff to recognize and to be able to use the Photo ID as an identification tool during the election. He added that he had some concerns about what staff would be exposed to.

The Director stated that there was some information in the Board's packet that had been shared with the precinct officials on how to identify the appropriate Photo ID during the elections. She added that the precinct officials had gone through training, each precinct had separate trainings lead by the chief judges and all of this information on what they are looking for was discussed. The Director stated that the precinct officials are looking for a Reasonable Resemblance. She stated that the drivers' licenses now are for 8 years so a lot of changes could take place during those 8 years however reasonable resemblance is what the requirement is for this election. The Director stated that there is nothing that can be done if the address is different on the drivers' license and the voter registration. She added that the voter's names does need to be similar to what is on the photo ID and the voter registration. The Director used the acronym EARS to satisfy the Photo ID requirement: E – expiration date; A – acceptable ID and the precinct officials have a list of acceptable IDs approved by the State Board of Elections; R – reasonable resemblance; and S – substantial equivalence of name or name similarity. She read from the training material "I recently got a voter ID card from the BOE but had cosmetic changes to my appearance. Will I need to get a new card? Election workers are looking to see if the photo "reasonably resembles" the voter. They are trained to understand that appearances may change over time. Even if there is an apparent discrepancy in resemblance, the voter will still be allowed to vote a regular ballot unless the judges of election at the polling place unanimously agree that the photo does not reasonable resemble the voter, in which case the voter can vote a provisional ballot." The Director stated that everyone needs to trust that three judges will make the right decision. She stated that she knew that Member Schoolfield had concerns about this and the precinct officials have concerns as well but the precinct officials have to follow the guidelines that are given. The Director stated that the guidelines for photo ID with the 2024 election will be more stringent.

Member Schoolfield stated that with the municipal election there will be less votes than with the general election and this is new. The Director stated that she was glad the photo ID requirement was implemented during a municipal election rather than a general election so it will be like a test run to see how it is going to go. She added that this will slow down the process but the Board of Elections has to follow the regulations that we are given.

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

ITEM #8 – PROVISIONAL BALLOT/PHOTO ID EXCEPTION FORM

Member Schoolfield stated that this concerned him the most because there are 15 things that are listed as exceptions. He added that some of the items are understandable and some of the others, from what he read from the State Board, the Board really can't challenge what the Board knows as a falsehood. Member Schoolfield stated that this is something that the Board needs to look at and discuss as a Board. He added that the Board has approximately 13 pages as instructions from the State Board that really says the Board has to accept unless the Board can prove the voter is lying. Member Schoolfield stated that the Board has to follow the Numbered Memo no matter what and staff is going to have to work long hours trying to figure out the provisional ballots.

Chair Wright asked if there was any other comments from the Board.

ITEM #9 – ELECTIONEERING AREA DISCUSSION

The Director stated that the two committees were appointed by the Chair after the last Board meeting and the two committees met. She stated that in the Board's packet was the information from the committees. The Director stated that the first page was submitted by the staff of the Board of Elections, the next page was the guidelines recommended by Member Cole and Member Schoolfield, the next two pages was the guidelines recommended by Member Hampton and Secretary Totten. She stated that after this information is Numbered Memo 2022-12 and the Guidelines for Campaign Volunteers and Electioneers at the Polling Place from Forsyth County which was provided by Member Hampton. The Director stated that Member Hampton had also updated the two page recommendation from Secretary Totten and himself and this could be found at each of the Board member's seats. She stated that she had called several other counties as well as the State Board of Elections over the last couple of years regarding the electioneering area and no one else seems to use corrals for the electioneers. Most counties have their buffer zones marked and the electioneers are not to cross those lines.

Member Hampton stated that the Director had brought this up before but general statutes states there are buffer zones and designated areas for election activities. The Director responded that she understood what Member Hampton was talking about as far as a designated areas for the electioneers and whatever the Board decides is what will be followed. Member Hampton stated that the Board had to identify the area but the statutes does not say that the people do not have to stay in that area and the statutes do not give the Board of Elections any authority to legislate what goes on in the electioneer area.

Member Hampton stated that working with developing the voluntary principles the Board understood that some people thought that the Board should mandate what should happen however the Board does not have the authority to do that and as soon as the Board tried to do that the Board would be sued for violating somebody's rights constitutional or statutory and the Board does not want to be sued and the Board does not want hard feelings with the constituents and voters in the county. He understood that there needed to be some rules but the problem is the Board has no way to enforce the rules. Member Hampton stated that the Board was hoping to get the political parties to help manage the conduct in the electioneering areas. He stated that this discussion started last month at the Board's last meeting and he apologized to those present that the draft had that language in it however the latest committee report has removed that language and now says "the Rockingham County Board of Elections and participating political parties and candidates agree

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

upon the following”. Member Hampton stated that it has always been up to the individual parties and the individual candidates to participate in this. He stated that the authority of the chief judge is unquestioned and it is made clear in the report that the Board does not plan to expand or contract the judge’s authority. Member Hampton stated that the chief judge will make the decision whether to call law enforcement or not, however everyone agrees that we do not want law enforcement in the polling locations.

Member Hampton moved to accept the Principles of Conduct for Electioneering Activity.

Chair Wright stated that before the motion is made she asked if all the parties had been able to get together to have a discussion with the committees. Member Hampton responded no. Chair Wright asked why it was put in there. Member Hampton responded that it was put in there because that was what the Board wanted to do as an end result.

Member Schoolfield asked if there could be some more discussion before the motion since there has not been a second yet. He stated that his understanding of the instructions were that each of the two committees were to review the information, take the Director’s information as something to follow, take the complaint on the issue by Ms. Parnell, and use those to see what the Board would think would be appropriate. Member Schoolfield stated that the next step was going to be to get the two committee’s report back and try to homogenize them but due to the short time frame with the Board meeting today and early voting starts in a couple of days. He stated that the next step would be to get buy in from the Democratic, Republican, and Libertarian parties, not getting their approval but at least hearing their concerns so he thinks the Board has gotten ahead of the process. Member Schoolfield stated that he empathized with the comments that had been made.

Secretary Totten stated that the list of guidelines are all in compliance with the general statutes regarding this particular issue so that is not an issue as far as she was concerned as far as the legality so the Board can move on from that and look at the suggestions. Chair Wright asked if this was for both committee reports. Secretary Totten stated that the principles were a combination of both reports.

The Board discussed several items of the Principles of Conduct for Electioneering Activity.

Secretary Totten asked if the Board could hear discussions from the floor. Chair Wright responded that this would be up to the Board.

Secretary Totten moved, seconded by Member Hampton to hear discussion from the floor.

Member Schoolfield stated that he thought this was appropriate but he did not want to set a precedence for future meetings. Secretary Totten responded that this would be determined by the Board.

Upon a vote on the motion, the motion carried unanimously.

Ms. Ann Brady stated that she knew that there had been misbehavior from both parties however she agreed with having an agreement from the parties on what they want. She stated that she was

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

speaking on behalf of Ann Brady and not the Democratic Party as a whole. Ms. Brady went through each item on the list and made comments and/or asked questions. She stated that the whole party should have had the opportunity to have a discussion before the principles were voted on.

Ms. Diane Parnell stated that she had suggested a lot of the items on the list and she went through each item and explained the reason for the suggestion. She stated that there needed to be a policy and decorum in the electioneering area.

After the end of the floor discussion Ms. Brady asked for more time so that her party could have time to process the principles. She added that the Board of Elections would have a higher probability of compliance if the Board allowed the parties to give feedback before compiling a final list.

Chair Wright stated that a wholesome discussion had taken place and the discussion should have taken place before the Board of Elections came together to take a vote. She stated that the Chair was just raising a question and added that the Chair did not vote unless the Board had a tie. Chair Wright stated that she liked the wholesome discussion that had just taken place.

Member Schoolfield stated that he had compared the two committee reports and they were similar but he felt one the reports would be hard to communicate due to some gray areas that need to be spelled out and others just say they are recommendations. He stated that the Board was under a time restraint to implement this. Member Schoolfield stated that he agreed with Chair Wright that it has been a very healthy discussion and that was an area that needed to be respected. He did not think the Board had the time or the energy to get this done by October 19th.

Secretary Totten asked Member Schoolfield if his issue with the principles was how some of the things were written. Member Schoolfield responded yes. Secretary Totten stated that she and Member Hampton wrote the principles in a way so there would be no written connotations associated with the recommendation and so those involved would be receptive to them. She stated that it was written requesting that the participants follow and not require them to follow but ultimately it came down to respect for one another and behaving like adults. Chair Wright responded that that could be one statement that would cover all eleven of the items.

Member Cole stated that the principles could be implemented for this election and if there are recommendations to change some of the items then the Board can do that before the next election. He stated that he felt confident that the principles would assist a lot of people in proper behavior. Member Cole recommended moving forward with the principles and to readdress it before each election. He stated that it would give the Board the opportunity to look at how it works on a smaller scale with the pollsters and the candidates before the general election takes place.

Member Hampton stated that the Board needed to decide if it wants to approve the eleven principles or recommendations and to have the Director to submit them to each party and each candidate that she is aware of and ask them to join the Board in implementing the principles.

Member Cole stated that he thought it was important to implement the principles during smaller elections to see if mistakes were made and make it right before the general election.

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

Member Hampton asked Member Cole is that was a second to his motion. Member Cole responded yes.

Secretary Totten asked Member Cole if this would be a test run. Member Cole responded, yes.

Member Schoolfield asked the Chair to requote the motion so that he could understand it. Chair Wright responded that the person that made the motion should restate the motion. Member Schoolfield stated that he heard three points: the Board would take it, finalize it, but before it went into effect it would be covered with the parties involved, all three parties. Member Hampton responded no. He stated that this was a committee report.

Member Hampton moved, seconded by Member Cole for the Board to approve the committee report and as part of the implementation of the report the Director should notify each of the parties and candidates that she is aware of and ask if they will participate with the Board of Elections in the process.

Chair Wright stated that the Board was receiving the report, the Director will get in touch with the parties. She asked if the Director was getting input from the parties. Member Hampton stated that if the Board wanted it broken down into part that would be fine and a motion can be made to receive the report first.

Member Hampton moved, seconded by Member Cole for the Board to receive the Principles of Conduct for Electioneering Activity report from the two committees.

Member Schoolfield stated that he thought there needed to be some work done on some of the wording to make it clear.

Upon a vote on the motion for the Board to receive the Principles of Conduct for Electioneering Activity report from the two committees, the motion carried by a vote of three to one with Member Schoolfield voting no and Chair Wright abstaining.

Member Schoolfield stated that he voted no because it is being listed as a consolidated report and he did not agree with all the wording. He stated the vote was 3 to 1.

Member Cole questioned the vote totals. Chair Wright responded that she only votes when there is a tie. Member Schoolfield stated that this was not in the Robert's Rules of Order and the Chairman needed to vote just like any other member. Chair Wright stated that she only voted when there was a tie but she would go back and look at it.

Chair Wright stated that it was time to move on to the next motion.

Member Cole stated that some wordsmithing could be done and recommended that Member Schoolfield and Member Hampton get together to discuss this and come back to the Board in a called meeting. Member Hampton responded that Member Schoolfield wanted language that states "will do this or we will do that". Member Hampton suggested that the Board look at the Numbered

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

Memo from the State Board. Chair Wright responded that everything in the Numbered Memo was included in the Principles of Conduct for Electioneering Activity report.

Member Hampton moved, seconded by Secretary Totten to have the Director to communicate with the parties and candidates that her office is aware of requesting that they participate with the Board of Elections in implementing the principles.

Member Hampton stated that anyone can provide feedback to the Board of Elections and this will give the Board of Elections a dry run on how effective this will be and how well individuals will participate in this. He added that there was no mandate. Secretary Totten added that if there are any changes to be made they can be made before the general election.

Member Schoolfield agreed with giving the parties and candidates the opportunity to give feedback.

Upon a vote on the motion, the motion carried unanimously.

ITEM #10 – 2023 MUNICIPAL ELECTIONS PREPARATIONS

a. Logic and Accuracy Testing on the Voting Machines

The Director stated that the Logic and Accuracy Testing on the Voting Machines took place on Tuesday, October 3rd. Ten precinct officials and two maintenance staff helped with this process. There were some issues so Maintenance and the Director performed the Logic and Accuracy Testing on the ADA machines on Wednesday, October 4th.

b. Mock Election

The Director stated that the Mock Election with the State Board took place on Thursday, October 5th. Everything went well. Chair Wright and Member Schoolfield were present during the Mock Election. She asked if they would like to say anything about the process.

Member Schoolfield stated that the Mock Election was more enlightening than the previous time he participated.

c. One Stop (Early) Voting

The Director stated that One Stop (Early) Voting will begin on Thursday, October 19th and run through Saturday, November 4th. Early Voting will be held at the Board of Elections office only. The hours of operation are Monday through Friday from 8:00 am to 5:00 p.m. and then on Saturday, November 4th from 8:00 am to 3:00 p.m. The last Saturday is the only weekend day for One Stop (Early) Voting.

d. Election Day

The Director stated that Election Day will be Tuesday, November 7th. Polls will open at 6:30 a.m. and close at 7:30 p.m. She stated that everyone in line at 7:30 p.m. will have the opportunity to vote. The 9 Municipal Voting Precincts will be open and these locations can be found on the Board of Elections website. The Sample Ballots are posted on the Board of Elections website as well as

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

they are available for pick up at the Board of Elections office. Voting will not be conducted at the Board of Elections Office.

e. County Canvass

The Director stated that County Canvass will take place on Friday, November 17th at 11:00 a.m. at the Board of Elections office. This will be an open meeting and the public is invited to attend that meeting.

The Director asked if the Board had any questions on the 2023 Municipal Elections preparations.

ITEM #11 – DIRECTOR’S UPDATES

a. Election Day Compliance Checklists

The Director informed the Board that she would be passing these out after the meeting. She asked the Board to please let her know which precincts they would like to handle. There will be 1 for One Stop and 9 for the Municipal Voting Sites.

b. Events/Speaking Engagements

- Tuesday, September 19th was National Voter Registration Day and the Board of Elections was set up at the Rockingham County Libraries to register individuals. There was a Precinct Official at all four of the libraries in Rockingham County. The Precinct Officials that helped with this was Bret Hart, Joyce Webster, Stacey Joyce, and Cyndy Hayworth.
- On Saturday, October 21st from 10:00 a.m. to 5:00 p.m., Fall into Madison Event. There will be a tent set up with Precinct Officials Jenny Sharp and Melanie Harrington will be representing the Board of Elections.

c. SB 747 & SB 749

Both senate bills had been vetoed by the Governor and were overridden on 10/10/23. She provided the Board members with the approved revisions of both bills. According to the State Board the new laws will take place on 1/1/2024. The State Board will be appointed by the 4 leaders of the General Assembly. There will be 8 members on the State Board and those 8 members will decide on the Chair and the Executive Director. They should be in place by 1/10/2024 if not the President Pro Tem will make the decision. The County Board will consist of 4 members. Recommendations can be given by the parties but the General Assembly leaders are not bound to those recommendations. The chair will be chosen from the 4 members. Lawsuits have been filed on SB747 and there are rumors of lawsuits on SB749. The Director stated that these appointments will be made by the Senate Majority and Minority leaders and the House of Representatives Majority and Minority leaders. She stated that both of these bill can be found online.

**BOARD MEETING MINUTES
OCTOBER 17, 2023 – 5:30 PM
REGULAR MEETING**

ITEM #12 – ADJOURNMENT

At 7:12 p.m. **Member Cole moved, seconded by Member Hampton to adjourn. The motion carried unanimously.**

Respectfully submitted,

Paula P. Seamster, Director

Ophelia Wright, Chair