

## CHATHAM COUNTY BOARD OF ELECTIONS REGULAR MEETING

Chatham County Board of Elections Office

984 Thompson Street, Suite D

Pittsboro, NC 27312

GoToMeeting

Recorded meeting is available at <https://www.chathamcountync.gov/government/departments-programs/board-of-elections/board-of-elections-members-meetings>

July 20, 2021 – 12:00 Noon

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The Chatham County Board of Elections met at the Chatham County Board of Elections office at 984 Thompson Street Suite D, Pittsboro, NC 27312 on July 20, 2021, at 12:00 noon. via GoToMeeting for the swearing in of current board members to serve another 2-year term, and to discuss regular business. Citizens were given the opportunity to submit comments or concerns relating to elections via email to the Director by 5:00 p.m. Monday July 19, 2021.

The following people were present: Chair Laura Heise, Secretary Charles Ramos, Member Amy Meek, Member Frank Dunphy II, Member Mark Barroso, Director Pandora Paschal, Deputy Director Steve Simos, Election Specialist Chance Mashburn and temp employee Donald Lyerly.

Secretary Charles Ramos led everyone in a moment of silence and the pledge of allegiance to the flag.

Assistant Clerk of Court Amber Pilkington led the board in taking the oath of office. Signed oath forms were the oaths recorded at the Clerk of Courts office and will be filed in the Board of Elections office.

### **Call to Order**

Chair Laura Heise called the meeting to order by stating a quorum was present.

The board organized by selecting the Secretary. Chair Heise opened the floor for nominations. Member Mark Barroso nominated Member Charles Ramos to continue in this role as secretary to the Board of Elections. Member Amy Meek seconded the motion. All were in favor. The vote was 5-0.

Chair Heise asked the board if they would like to keep the meeting times to 5:30 pm or would they like to change it to a different time. The board agreed to keep the meeting times at 5:30 pm. They also agreed to opening the August 17, 2021, meeting, to the public if COVID-19 cases did not continue to increase. The meeting will be at the Chatham County Agricultural Conference Center. The public will enter through the front entrance.

### **Public Input**

Chair Heise read the emails that were sent to the director prior to the meeting by citizens voicing their concerns about the process for hiring early voting workers. There were five emails received. The input was referencing the process of selecting early voting workers as proposed by Member Frank Dunphy II.

### **Approval of Minutes**

Chair Heise presented the minutes from June 22, 2021, and July 16, 2021, for approval. Member Amy Meek made the motion to the board that due to time constraints we should postpone approving the minutes until the August meeting since the minutes with edits were received a couple of hours before the meeting. Member Frank Dunphy II seconded the motion. All were in favor. Vote 5-0. Chair Heise asked that in the future any edits made to the minutes should be made shortly after the minutes are received from the Director, so board members would have ample time to review them prior to the meeting.

### **Old Business**

#### **Process for Hiring Early Voting Workers – (Reference 19:31 minutes on recorded meeting)**

Chair Heise asked the board if they had the opportunity to look at Member Frank Dunphy II's proposal pertaining to the oversight and approval process of early voting workers by the board. Chair Heise opened the floor for discussion.

Member Mark Barroso stated that he would like to hear from Member Frank Dunphy II since the proposal was written by him. Member Frank Dunphy stated that early voting workers are treated differently in recruitment than Election Day workers. Election Day workers have strict process and rules they are called precinct workers. The hiring process for early voting workers is not public. There is no record in the public domain, nor is there a roster. One of my supporting documents references G.S. 163-41(e) (g) in the North Carolina Election Related Laws and Rules, which pertains to the names of Precinct Officials after appointment their names should be published in some newspaper having general having circulation in the county. He stated this does not apply to early voting workers and that needs to change. This is the reason I am here today.

Member Amy Meek asked Member Frank Dunphy II if he asked if Judges and Assistants worked as early voting workers. Member Frank Dunphy II requested the people at home to look at the document since it is in the public domain. Member Amy Meek stated that in Chatham County we go to our precinct officials as the front line for when selecting early voting workers. She said what happened in 2020 has no basis for the concern that Terry Schmidt Chairman of the Chatham County Republican party stated in his letter. 2020 was a pandemic year in terms of balancing in party representation at the early voting sites. Election workers were dropping out left and right. She stated she would welcome the Democrat and Republican party chairs help in recruiting early voting workers. This would alleviate some of the issues, and she encouraged the citizens who sent in letters to sign up to work as well. For the process to change it would have to be a NC legislative change.



Member Mark Barroso stated that when this issue was first brought to the board by Member Frank Dunphy II he didn't have a response. He thought why not have the same process for both Early Voting workers and Election Day precinct officials. He stated after he investigated it, he realized that everything we do is governed by North Carolina General Statutes. The board is unable to make their own rules that is contrary to state law. He stated to the citizens listening if you believe this is an issue bring up with your state representative or senator. He also encouraged anyone listening to volunteer to work at early voting or become an election official for Election Day.

Member Frank Dunphy II stated he would like to make a comment to the Director about the Republican Party leadership requesting the list of early voting workers for the November 2020 election, and the list not being accessible. He asked if that was true. Director Pandora Paschal stated that the public request was received after the election. County policy is any public request made about any county employee is provided by the Chatham County Human Resource department after the request is sent to the Clerk to the County Commissioners.

The Director gave a brief explanation about the hiring of early voting workers by giving the distinction of early voting workers and a Precinct Official. Member Amy Meek stated that other counties use temp agencies to staff their one stop sites. Chair Laura Heise stated that there is no way a five-member board would be able to vet hiring early voting workers in larger counties such as Charlotte, Raleigh, and Wilmington. Chair Heise stated that on the proposal submitted by Member Frank Dunphy II proposal number one could not be implemented because it is not legal, and it should be rejected as it does not conform to state law. She suggested to the board to look at proposal number two and tweak it.

There was a request from the Liz Guinan, Chatham County Democratic Party Chair to have her letter read which she addressed to the board. Chair Heise didn't realize it was meant for public input.

Chair Heise asked the board if they were ready to move on from proposal number one. Member Frank Dunphy II stated he was not ready to move on. He stated the Director didn't say that early voting workers have the maximum facetime with most voters in this county. It's not Election Day voters. They have the potential for more impact than Election Day workers. He also stated that the criteria for hiring precinct officials based on the law is to be a county resident, registered to vote, be literate to work Election Day. He asked the Director if early voting workers any different? Director Pandora Paschal stated that hiring is not solely based on those qualifications. Member Frank Dunphy II asked if different criteria were being used to hire early voting workers if, experience and other ambiguous criteria are used to hire when the criteria is legislated that they should be a county resident and literate to work on Election Day. Chair Heise stated we need workers that can use a computer, act professional in demeanor, and work in a nonpartisan way. We have all kinds of other things that are needed for both Election Day and for early voting workers. The parties are given the opportunity to have observers at early voting and on Election Day to ensure the workers are following proper procedures for voting. Deputy Director Steve Simos stated that the staff spends a lot of time

training election officials. We have had minimal complaints from voters and no complaints from observers.

Chair Heise stated that as a part of Member Frank Dunphy II's proposal it appears he is projecting that the staff is not operating in a judicious manner, and in a partisan way and they Expressions like the Chatham County Director of Elections has evolved to become the most powerful administrative officer for voting displacing voting board members implies a power grab. The board several years ago voted unanimously to delegate certain duties and responsibilities to the director. It was an attempt to make the functions of the staff to work as they should.

Member Frank Dunphy II asked to respond to the letter from Liz Guinan and to Chair Heise's comments. He stated in Ms. Guinan's letter she said he was proposing a partisan process by copying Election Day. He asked, do we have partisan workers on Election Day? The Director state on Election Day the Chief Judge is either party, and there is one judge from each party recommended by the party chairs. Member Frank Dunphy II stated in response to Chair Heise's comments that the Director has become the most powerful decision maker in the county. There is no other agenda than that. It has evolved that way. When this body signed in 2019 the document relinquishing your authority to the director to hire county employees. Member Mark Barroso asked if this could be discussed when the board talks about the Director's duties and responsibilities. Director Pandora Paschal stated that all 100 county boards of election delegate administrative duties to the Director. Member Frank Dunphy II stated the critique was directed to the members and not to Mrs. Paschal. She is assuming the responsibility because we gave it to her.

Chair Heise asked the board If they could move forward after hearing proposal number one. Chair Heise made a motion to reject part one of Member Frank Dunphy's proposal on the grounds that it runs contrary to North Carolina election law. Mark Barroso seconded the motion. Three members voted in favor of the motion (Laure Heise, Amy Meek, Mark Barroso) and two members voted against the motion (Charles Ramos, Frank Dunphy).

Chair Heise ask to board to look at part two of Member Frank Dunphy II's proposal. Member Mark Barroso and Chair Heise asked Member Frank Dunphy II to make his motion. Member Frank Dunphy II made the following final motion: *The Chatham County Board of Elections should require a public report by the Director of Elections regarding early voting workers after each discussion of Election Day workers and it should be entered into the minutes for public documentation and perpetuity.* Member Mark Barroso seconded the motion. Four board members voted to approve the motion (Laura Heise, Charles Ramos, Mark Barroso, Frank Dunphy II) with one opposed (Amy Meek). The report will consist of how many workers were hired or needed. The names of early voting workers will not be placed in the minutes.

#### **Decision about Hadley and Manns Chapel Precinct**

Chair Heise stated that the board needed to decide as to whether the Hadley precinct would remain as is or if they wanted to continue to pursue information about splitting the precinct to



have some voters moved into the Manns Chapel precinct. Chair Laura Heise made the motion to leave Hadley in its current state. Secretary Charles Ramos seconded the motion. All were in favor. Vote 5-0.

Chair Heise stated that the board should wait until data is received to determine how the Manns Chapel precinct should be split since it is such a large precinct. The board agreed to wait until they receive data from the NCSBOE's data team to determine the best way to split the Manns Chapel precinct.

### **New Business**

#### **Directors' Duties and Responsibilities**

Chair Heise presented to the board the updated Duties and Responsibilities for adoption. The duties and responsibilities were adopted in 2019 by the board that appointed the director at that time. Chair Heise asked the director to update the document to give clarity in some areas that were not clear for the current board to adopt. Chair Laura Heise stated the only changes to the document is page 3 under direct and supervise all personnel of the Chatham County Board of elections and supervision of precinct election officials. Member Frank Dunphy II stated that there are several things in this document that go underneath the radar screen that should be brought to the forefront at the end of the document called Public Relations. Member Frank Dunphy II asked that the Public Relations section on the Director's Duties and Responsibilities be added to the agenda next month for further discussion.

Secretary Charles Ramos made the motion to adopt the Director's Duties and Responsibilities as written. Member Amy Meek seconded the motion. All were in favor. Vote 5-0.

#### **Posting Recorded Meetings Alongside Minutes on Website**

Deputy Director Steve Simos made a proposal to the board concerning posting the board of elections recorded meetings alongside the minutes on the Chatham County Board of Elections website. He stated it would give citizens the opportunity to hear full discussions of topics discussed at the meetings and would shorten the minutes. Chair Laura Heise made the motion to post the recorded meetings as soon as possible after the meeting, and the minutes would be placed alongside the recorded meeting after approval of the board. Secretary Charles Ramos seconded the motion. All were in favor. Vote 5-0.

#### **Approve Early Voting Plan**

Director Pandora Paschal presented the options for early voting hours to the board for the November 2, 2021, Municipal Election. The options were based on the contest that would be on the ballot and turnout in previous Municipal elections. There will be no contest on the ballot for the Town of Siler City due to redistricting. Their election is postponed until the Primary in 2022. The board looked at the options and determined option 1 was the best choice for this election. Laura Heise made the motion to adopt option 1 as the plan for the November 2, 2021, Municipal Election. Secretary Charles Ramos seconded the motion. All were in favor. Vote 5-0.

**Other Elections Business**

Director Pandora Paschal reminded the board about the virtual training hosted by the North Carolina State Board of Elections coming up August 2<sup>nd</sup> – 4<sup>th</sup>, 2021 for staff and the board. The board was reminded about the wellness check given by the North Carolina State Board of Elections to all 100 counties in the state to determine the wellbeing of the office administratively. Director Paschal state she would inform the board of the appointment date given by the state in the event they would like to observe the wellness check.

**Adjournment**

Chair Heise stated if there was not further business the meeting would be adjourned. Member Amy Meek made the motion. Member Charles Ramos seconded the motion. All were in favor. Vote 5-0.



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Charles Ramos, Secretary



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Pandora Pascha, Attest