

## DAVIDSON COUNTY BOARD OF ELECTIONS

October 31, 2023

The Davidson County Board of Elections met on Tuesday, October 31, 2023 at 6:00 p.m. in the Board of Elections office located at 945 N. Main Street, Suite A, Lexington, North Carolina 27292.

Mr. Cunningham called the meeting to order at 6:01 p.m. with the following members present: Belinda Clark, Kathy Hunt, Chad Freeman, and Richard Johnson. Director Andrew Richards and Deputy Director Adam Moore were present. There were five visitors.

Ms. Clark read the minutes from the October 24, 2023 board meeting. Ms. Hunt made a motion to accept the minutes and seconded by Mr. Freeman. It was unanimously approved.

Chairman Cunningham called on Lexington Mayoral candidate, Burr Sullivan, to address the board regarding his complaint towards the Mayor of Lexington and the Lexington City Council. Mr. Sullivan addressed the board with his complaint, stating that he believes there was a violation of campaign finance laws due to potentially unlawful political discussion occurring at the October 23, 2023 meeting of the Lexington City Council. Mr. Sullivan claimed that this was a violation due to campaigning during a taxpayer funded public meeting. Mr. Sullivan provided the board with a series of exhibits to be considered as evidence including:

- A letter from Ralph Clark, former Interim City Manager of the City of Lexington
- A paid political opinion from Burr Sullivan to the Davidson Local published on October 17, 2023
- Electronic links to the audio recording of the Lexington City Council meeting on October 23, 2023
- A second letter from Ralph Clark dated October 21, 2023 with redactions
- A Facebook post by Lexington Mayor Jason Hayes posted on October 24, 2023

Chairman Cunningham asked Director Andrew Richards if legal guidance has been sought on this matter by the Board of Elections staff. Director Richards presented two emails from Lindsey Wakely, Deputy General Counsel of the North Carolina State Board of Elections and Andrew Howe, Assistant County Attorney of Davidson County. After review, the board determined that this matter was not within the jurisdiction of the Davidson County Board of Elections. The board stated that if a campaign finance violation is alleged, that complaint must be filed using the official forms and sent to the North Carolina State Board of Elections for their review. Mr. Freeman made a motion to dismiss the Sullivan Complaint regarding the Lexington City Council on jurisdictional grounds. It was seconded by Ms. Clark and unanimously approved.

Director Andrew Richards presented the board with a complaint regarding voter assistance during One-Stop Early Voting at the Davidson County Board of Elections office. Director Richards provided the board with the appropriate statutes on voter assistance and explained the processes used.

Director Andrew Richards presented the board with a statement written by a Poll Observer from the Davidson County Republican Party. The statement referenced an observation of voter assistance that occurred on October 24, 2023 that was in question. The statement also informed that board that staff was alerted and took immediate corrective action.

Director Andrew Richards presented the board with a verbal complaint that was made regarding a One-Stop Early Voting worker and potential conflict of interest. The worker is alleged of attending the same church as two candidates. The board determined that this relationship does not cause a conflict of interest.

Director Andrew Richards presented the board with 7 Civilian Absentee Ballots recommended for approval for the November 7, 2023 Municipal Elections. After review, Mr. Freeman made a motion to approve the 7 Civilian Absentee Ballots and was seconded by Ms. Clark. It was unanimously approved.

Director Andrew Richards presented the board with 2 Civilian Absentee ballots that utilized the Photo ID Exception form. After review, Mr. Freeman made a motion to approve the 2 Civilian Absentee Ballots and was seconded by Mr. Johnson. It was unanimously approved.

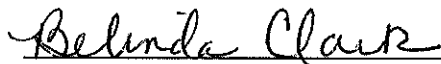
Director Andrew Richards presented a list of judge appointments and emergency judge appointments for precincts used in the November 7, 2023 Municipal Elections. After review, Mr. Freeman made a motion to approve the judge appointments and emergency judge appointments as presented by staff. It was seconded by Ms. Clark and unanimously approved.

Director Andrew Richards presented a list of Poll Observers from the Davidson County Republican Party for the November 7, 2023 Municipal Elections. There were 10 At-Large Observers presented and Site-Specific Observers for the following precincts: Dunbar, Robbins, Eastside, and Thomasville #1. After review, Mr. Freeman made a motion to approve the observers as presented. It was seconded by Ms. Clark and unanimously approved.

Ms. Clark made a statement to clarify that during Mr. Sullivan's remarks, he stated that Director Richards agreed with the notion that the matter would be brought to the Davidson County Board of Elections in public meeting, not that he agreed with the allegations that were made regarding the Lexington City Council.

Mr. Freeman made a motion to adjourn at 7:00 p.m. and was seconded by Ms. Clark, it was unanimously approved.

Respectfully Submitted,

 Belinda Clark, Secretary

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