

## BOARD OF ELECTIONS

**J. Eric Elliott**  
CHAIR

**Linda J. Sutton**  
SECRETARY

**Jerry D. Jordan**  
MEMBER



**Robert H. Coffman**  
Director of Elections

### **FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING- OCTOBER 24, 2006**

Present: J. Eric Elliott, Chair  
Linda J. Sutton, Secretary  
Jerry D. Jordan, Member

Staff: Rob Coffman, Director of Elections  
Pamela Johnson, Administrative Assistant

Guest: Lori Sykes, Assistant County Attorney

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#### Call To Order

The meeting was called to order at 4:05 PM.

#### Approval of Minutes- October 17, 2006

The minutes for October 17, 2006 will be approved at the next meeting.

#### Discussion of Memo Received October 23, 2006, Regarding Voting Equipment

The Board Members received a memo on October 23, 2006 from John Motsinger regarding the straight party voting for the 2006 General Election. The Board allowed Mr. Motsinger, as well as 2 other attendees, to speak regarding the memo.

Mr. John Motsinger, of 6068 Hedgerow Circle, Clemmons, N.C. 27012 spoke to the Board regarding the straight party voting on the 2006 General Election ballot. He stated that according to N.C. state law, when a voter chooses to vote a straight party ballot and then chooses an additional candidate in a multi seat race, the individual vote overrides the straight party choices. He stated that when the sample ballot was prepared, more specific instructions could have been used if approved by the Board. In his memo, Mr. Motsinger asked the Board to either a) issue new instructions to the voters b) change the rules by which the ballots would be counted, or c) decertify optical scan machines, which does not inform voters of this problem. Mrs. Elizabeth Motsinger of 6068 Hedgerow Circle, Clemmons, N.C., 27012 stated that those using the iVotronic have an unfair advantage when voting because the iVotronic allows the voter to review their ballot and

it will indicate if a voter has undervoted. The voters using the M100 ballot scanner may not be aware that if the vote straight party and then vote for the unaffiliated School Board candidate, the vote will override the straight party votes.

Mr. Charles Wilson of 445 Marshall View Court, Winston-Salem, N.C. 27101 stated that the instructions on the ballot are not clear enough. He would like the Board of Elections to instruct poll workers to give verbal instructions to each voter regarding straight party voting. He would also like to see precinct judges instruct voters to turn the ballot over in order to vote the entire ballot.

Mr. Elliott asked Mr. Motsinger what he would recommend as a specific remedy. He stated that the Board can not change state rules at the local county level. He also stated that both of the voting machines count votes the same way.

Mr. Jordan stated that everything on the ballot and the way ballots are counted follows state law. He also stated he did not think it was difficult to understand the language as stated.

Ms. Sykes stated there was a concern about the confusion over the issue of straight party voting.

Mr. Elliott stated that if there is a change in instructions in the middle of the election, it would be unfair to those who have already voted absentee. He stated the Board can not change the rules in the middle of the election.

The Board, Staff and Assistant County Attorney discussed the issues of giving voters instructions on how to vote a straight party ballot. Mr. Elliott stated the county Board of Elections has no authority to change state law.

Mr. Coffman stated there would be no option to change the ballot instructions or to change the election programming for straight party voting. Ms. Sykes stated that local government is prohibited from changing any state laws. She stated it is a legislative issue. Additionally, she stated she would not advise the Board Members to change anything on the ballot in mid-election, as it would create 2 classes of voters, one voting before and one voting after. Ms. Sykes explained that the proper forum for this matter is at the State Board of Elections level.

Mr. Elliott asked Mr. Motsinger what his top remedy would be out of the three stated in the memo. Mr. Motsinger stated he would recommend a change in the language of the instructions. Part d. of the instructions on the ballot instructs voters on voting for a multi-seat race when a voter has voted straight party. Part of the instructions indicate, "In any multi-seat race where a party oval is completed and you vote for candidates **of another**

party...". Mr. Motsinger suggests the language should say, "In any multi-seat race where a party oval is completed and you vote for candidates **not of that party...**". Mr. Elliott stated the ballots can not be reprinted to reflect the recommended change because ballots have already been sent out to absentee voters. Mr. Elliott also stated that he is concerned that if the Board of Elections posts special instructions in the voting booths, it may appear the Board of Elections is trying to persuade a voter in how to vote. Ms. Sutton states she concurs with Ms. Sykes in that it is not feasible to change the ballot at this time in the election. She states she is in agreement that instructions could possibly be provided to the precincts.

Ms. Sykes stated that there is no way to rectify this situation at this stage in the election without creating problems with the 2 classes of voters issue. Mr. Elliott stated that the Board secretary has not had ample time to review the memo from Mr. Motsinger and recommended that the Board meet again on Friday, October 27 at 4:00 to discuss the matter further. He stated the Board would attempt to find the least intrusive way to instruct voters. Mr. Jordan stated the instructions are clear as written.

The Board decided to make a decision on Friday if they can change the instructions and how to go about it. He stated a letter needs to go to the precinct judges to let them know they can not give verbal voting instructions to voters regarding straight party voting unless a voter asks.

#### Approval of Absentees

There were 1099 absentees recommended by the Staff for approval, and 18 recommended for disapproval, 4 of which were cancelled. The Board reviewed the 14 recommended for disapproval. Ms. Sutton moved to accept the recommendation of the Staff and approve 1099 absentees and disapprove 18. Mr. Jordan seconded the motion and it passed unanimously.

#### Other Business

The Board and Staff discussed the election schedule. Mr. Coffman stated that in the programming of 2 precincts there were problems with the iVotronics. He stated the ballot styles for these precincts were not correct. He explained that during the testing process it was discovered that 2 precincts had a ballot style missing. The State Board of Elections recommended against reprogramming the 2 precincts and to use the Automark machines for those locations. He stated the Automark machine is ADA compatible and that the precinct workers will be training on the equipment.

The Board agreed to meet on Friday, October 27 at 4:00 and then the next meeting would be on Election Day.

The Board agreed that they are not ready for counting absentees prior to Election Day.

Adjournment

Ms. Sutton moved to adjourn the meeting. Mr. Jordan seconded the motion and the meeting was adjourned at 5:45 PM.

s:/ J. Eric Elliott, Chair

s:/ Linda J. Sutton, Secretary

s:/ Jerry D. Jordan, Member