

# BOARD OF ELECTIONS

**Linda J. Sutton**  
Chair

**Michael Flatow**  
Secretary

**Jonathan S. Dills**  
Member



**Robert H. Coffman**  
Director of Elections

**Lamar Joyner**  
Deputy Director

## FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING MINUTES – OCTOBER 18, 2011

### Call to Order

An Absentee Ballot meeting of the Forsyth County Board of Elections was held in the Cooper Cardwell Elections Room on October 18, 2011. The meeting convened at 5:32 PM, Chairman Linda Sutton presiding.

Board Members in attendance: Chairman Linda Sutton, Secretary Michael Flatow, Member Jonathan S. Dills

Board Members not in attendance: none

Staff Members in attendance: Director Robert H. Coffman, Deputy Director Lamar Joyner; Joshua Chunn, Judy Speas

Others in attendance: Kevin McGuckin, Assistant County Attorney

### Approval of Minutes

Motion was made by Member Dills and seconded by Secretary Flatow to approve the minutes of the September 13, 2011 meeting and to approve the agenda for the October 18, 2011 meeting. Motion carried.

### Absentee Ballot Report

Mr. Coffman introduced Joshua Chunn, Absentee Ballot staff member, and explained that the Absentee Ballot meeting is held for the Board examination of the weekly report of returned absentee ballots. Mr. Chunn recommended 6 absentee ballots for approval and zero for disapproval in the weekly report. Secretary Flatow moved to approve the recommendation of absentee ballots. Member Dills seconded the motion and the motion carried.

### Litigation

Chairman Sutton recommended a closed session for the Board by stating: I hereby move that the Board go into closed session pursuant to North Carolina General Statute Section 143-318.11 (a) (6) to review a complaint against a public officer or employee; and/or, pursuant subdivision (3) to preserve the attorney-client privilege between the attorney and the Board to consider the handling of a claim filed under Forsyth County Superior Court File Number 11 CVS 7133, filed by Plaintiffs Pamela Johnson, Terry Cox and Deena Head against the Forsyth County Board of Elections. Secretary Flatow seconded the motion. The motion carried and the Board went into closed session at 5:40 PM.

Chairman Sutton moved to leave closed session under North Carolina General Statute Section 143-318.11 (a) (6) and to reconvene the open meeting. Member Dills seconded the motion. Motion carried at 6:03 PM.

Member Dills stated that the Board should discuss the litigation again after a review of all documents and the history of events. Also, he would request ethical guidance from the Bar to deal with conflicts.

Member Dills read a resolution to the State Board of Elections regarding litigation representation:

RESOLUTION REQUESTING THE STATE BOARD OF ELECTIONS  
TO ASSIST WITH A LITIGATION MATTER INVOLVING THE COUNTY  
BOARD OF ELECTIONS

BE IT RESOLVED, pursuant to the provisions of NC General Statute Section 163-25, that the Forsyth County Board of Elections hereby petitions the NC State Board of Elections to assist the Forsyth County Board of Elections by providing representation with regard to the litigation filed in the matter of Johnson, et. al. v. the Forsyth County Board of Elections et. al., under Forsyth County Superior Court File Number 11 CVS 7133.

Adopted this the 18<sup>th</sup> day of October, 2011.

Member Dills moved that the Board of Elections adopt the 'Resolution Requesting the State Board of Elections to Assist with a Litigation Matter involving the County Board of Elections'. Secretary Flatow seconded the motion. Motion carried and Mr. Coffman was instructed to mail the document to the State Board of Elections.

Member Dills suggested that Mr. Coffman draft a letter and similar resolution to the County Attorney's office. Mr. Coffman agreed that he would email a draft copy to the Board members. Chairman Sutton moved that the Board of Elections adopt this resolution requesting representation if approved by the Board and send it to the County Attorney's office. Member Dills seconded the motion. Motion carried.

**Other Business**

Mr. Coffman stated that the office had sent out voter letters and newspaper notifications regarding the precinct consolidation for the 2011 Municipal General Election. The training progress for precinct workers and one-stop workers was discussed. One-Stop Early Voting would begin on Thursday, October 20, 2011. Chairman Sutton stated that the Board must review the Duties of Director document and compare it with the general statutes.

**Adjournment**

The next Absentee Ballot meeting of the Forsyth County Board of Elections will be held in the Cooper Cardwell Elections Room on October 25, 2011 at 5:30 PM. Chairman Sutton requested a motion to adjourn the meeting. Secretary Flatow moved to adjourn the meeting at 6:08 PM. Motion carried.

Approved:

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Linda J. Sutton, Chair

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Date

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Michael Flatow, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jonathan S. Dills, Member

\_\_\_\_\_  
Date

**Attachments on File:** Closed session motion; Resolution Requesting the State Board of Elections to Assist with a Litigation Matter involving the County Board of Elections; Resolution Requesting the Forsyth County Attorney to Assist with a Litigation Matter involving the County Board of Elections