

North Carolina State Board of Elections

Minutes of Meeting

September 8, 2025

Open Session

The State Board of Elections held a meeting on September 8, 2025, in the Board Meeting Room of the Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh, North Carolina.

The meeting was called to order at 9:03am.

Roll Call

A roll call was taken. Members present and participating included:

Francis De Luca, Chair

Four Eggers, Secretary

Jeff Carmon, Member

Siobhan Millen, Member

Robert Rucho, Member

Ethics Statement

The Statement Regarding Ethics and Conflict of Interest was read by the Chair. No known conflicts of interest or appearance of a conflict were noted by the members participating in this meeting.

Appointment of County Board Vacancies

Deputy General Counsel, Lindsey Wakely, was recognized to provide information regarding nominations for the appointment of vacancies on county boards of elections. The State Board has received the following nominations from the North Carolina Democratic Party for the following vacancies:

Ashe County Board of Elections:

1. Jane Miller Banks
2. Ben Frank Massey, Jr.

Martin County Board of Elections:

1. Keisha Manson
2. Crystal Monique Morrison

Member Carmon moved that the State Board appoint Jane Miller Banks to the Ashe County Board of Elections and appoint Keisha Manson to the Martin County Board of Elections. The motion was seconded by Member Millen. A roll call vote was taken. The motion passed unanimously.

Notice of Settlement

Deputy General Counsel, Lindsey Wakely, was recognized to report on a settlement update of a contested case filed in 2024 with OAH by Treasurer Leonard Fillyaw on behalf of the Duplin County Progressive Leadership Organization PAC (“Duplin PAC”) contesting penalty assessments for failing to file quarterly reports. The terms of the settlement are that in consideration of Mr. Fillyaw dismissing his petition and providing the required 2024 first, second, third and fourth quarter reports, the State Board agreed to release the Duplin PAC from the obligation to pay the outstanding penalty balance of \$2,000. The contested case was officially closed on August 12, 2025. Counsel Wakely reminded the board that this was informational only and would not require a board vote.

Candidate Challenge Cherokee County, Town of Andrews

Associate General Counsel, Adam Steele, was recognized to provide background information on the procedural history of the Cherokee County, Town of Andrews candidate challenge and the State Board’s appellate posture for review. Mr. Jimmy “Steve” Jordan filed a notice of candidacy for the office of Alderman of the town of Andrews in Cherokee County. Mr. Jordan is a current Alderman in the town. On July 22, 2025, Mr. James McLean, filed a challenge to the candidacy of Jordan based on the allegation that Jordan was not a resident of the town of Andrews. On August 7, 2025, the county board conducted a hearing on the challenge. The county board found that Mr. Jordan did not meet the qualifications to run for office of Alderman for the town of Andrews due to residency.

The issue on appeal, raised by the candidate Jordan is that he contends the evidence presented does not support the findings that were made by the county board panel. Counsel Steele advised that the State Board’s appellate review should be based on the whole record, requiring an examination of all competent evidence to determine if there is substantial evidence to support the findings made by the county board.

Counsel Steele instructed that each party is allotted 10 minutes total to present their arguments before the Board.

Attorney Zeyland McKinney presented argument on behalf of the candidate that the findings from the hearing at the county board level were not supported by evidence. Although Jordan has multiple residences, the address he claimed on his notice of candidacy is the one at which he intended to be his permanent residence and where he intends to return.

Mr. McClean argued that the evidence did support the county board panel's decision, particularly that Jordan's real residence is a home outside of the city limits. McLean provided that is not a personal attack on the candidate, but he is advocating on behalf of citizens who are concerned that they aren't allowed to vote for certain candidates because they don't live in city limits. So, he wants to ensure that candidates follow the same rules.

After some discussion, Attorney McKinney was allowed a few minutes to rebut the testimony of Mr. McClean in which he further argued that there is no evidence to support the finding that Mr. Jordan is not qualified to run based on residency.

Secretary Eggers moved that, based on a review of the whole record of the hearing conducted by the panel below, the State Board affirm the Cherokee County Board's decision to uphold the challenge. The motion was seconded by Member Millen. A roll call vote was taken. The motion passed unanimously.

Secretary Eggers also adds that he doesn't agree with the standard of proof required in candidate challenge hearings but that would require an act of the legislature to change it.

Candidate Challenge, Town of Sharpsburg (Nash, Edgecombe, and Wilson Counties)

Associate General Counsel, Adam Steele, was recognized to provide background information on the procedural history of the Sharpsburg candidate challenge and the State Board's appellate posture for review. Ms. Shaunte McFarland filed a notice of candidacy for the office of Mayor of the town of Sharpsburg. The town is in Nash, Edgecombe, and Wilson Counties. On July 28, 2025, Mr. David Pride filed a challenge to the candidacy of McFarland based on the allegation that McFarland was not a resident of the town of Sharpsburg. Two additional challenges, filed on the same bases, were filed on July 31, 2025, by Jacqueline Lauterbach and August 1, 2025, by Loretta Woodard.

The town of Sharpsburg is located in Nash County, Edgecombe County and in Wilson County. Since the town is located in multiple counties, the statutes required the State Board to appoint a multicounty panel to conduct a challenge hearing. The multi-county panel issued a consolidated decision on August 21, 2025, and found that Ms. McFarland was eligible to run for Mayor of town of Sharpsburg.

The issue on appeal, raised by Mr. Pride, is that the evidence did not support the panel's decision and that Ms. McFarland did not meet her burden of proof. Counsel Steele reminded the Board that its appellate review should be based on the whole record, requiring an examination of all competent evidence to determine if there is substantial evidence to support the findings made by the county board.

Candidate, Shaunte McFarland, submitted a written statement in lieu of appearing in person.

Mr. Pride was present during the meeting and presented his argument that the evidence presented to the county board panel did not support its decision, particularly when there was no one to testify on McFarland's behalf during the initial hearing.

Secretary Eggers moved that, based on a review of the whole record of the hearing conducted by the multi-county panel below, the State Board affirm the multi-county's panel decision to deny the challenge. The motion was seconded by Member Rucho. A roll call vote was taken. The motion passed unanimously.

Revisions to Registration Repair Numbered Memo and Adoption of Numbered Memo for Validating Unmatched ID Numbers

Associate General Counsel, Adam Steele, was recognized to explain a small revision proposed by staff to remove the directive in Numbered Memo 2025-02 that keeps voters in the Registration Repair program's administrative status, which flags them to vote a provisional ballot, if the identification number provided by the voter did not validate.

The Board adopted Numbered Memo 2025-02 with instructions for how the county boards are to manage provisional voting and the counting of provisional ballots for those voters subject to the "Registration Repair" project. After Numbered Memo 2025-02 was approved, State Board staff examined how to implement the desire to make further attempts to have voters' driver's license or social security numbers validate (i.e., match with a government record). Staff proposed removing that direction in Numbered Memo 2025-02 and issuing another memo, Numbered Memo 2025-03, with a comprehensive process that would apply to all voters with an unvalidated identification number in their record, and not just those in the Registration Repair project.

Numbered Memo 2025-03 provides a multi-prong approach which includes steps county boards should take in advance of the 2026 primary elections, and then going forward:

1. For newly received voter registration applications, county staff are to review applications to make sure there are no data entry errors when a driver's license or last four digits of a voter's social security number fails to validate.
2. For the approximately 98,000 voters who don't have validated driver's license or social security numbers in their record, county board staff are to conduct a review of those voter's records doing the same data entry error review, and try to validate again any numbers that were provided in the past. Counsel Steele provided an example of this happening where if a woman has their maiden name listed on their social security and they register to vote under their married name; it may not validate because the social security number hasn't been updated under her married name. If they have since changed it, an attempt to validate it may be successful.

3. For those voters who do not have a validated identification number in their record, they will be flagged with a new status starting next year. Voters in this new status will receive letters explaining the common reasons why a driver's license or social security number would not validate and encouraging them to contact their county board to help resolve any discrepancy prior to an election. Letters will be issued twice a year, in January and August, with the first letter being sent by the State Board as already planned with the Registration Repair project. If the voters have already shown a HAVA ID, then they will not be flagged to vote a provisional ballot as a result of this new status. They will vote a regular ballot, but will also be given a handout asking them to help resolve the discrepancy. State Board will provide a script to county board staff to inform voters.

Counsel Steele also explained that if a voter with this new status appears to vote in person and they have not shown a HAVA ID previously, they will be flagged and required to vote a provisional ballot if they do not show a HAVA ID when voting. That is because they will also be flagged with an existing status, called ID Required. The provisional voting process for ID Required voters is required by law if those voters, in their first election after registering to vote, do not have a validated identification number and do not show a HAVA ID when showing up to vote.

The Board discussed the new Numbered Memo and policy considerations involved in voter registration, including where changes in the law would be needed where it comes to validation of information provided on a voter registration form by an applicant. Secretary Eggers expressed an appreciation for staff finding an approach that would address the lack of validated identification numbers in voters' records, so that the Board would have more accurate information for voters.

Secretary Eggers moved that the State Board approve the amendments to Numbered Memo 2025-02, as proposed by staff, and further moved that the State Board approve the adoption of Numbered Memo 2025-03, as proposed by staff. The motion was seconded by Member Carmon. A roll call vote was taken. The motion passed unanimously.

I. Adjournment

Member Millen moved that the State Board adjourn. The motion was seconded by Member Carmon. A roll call vote was taken. The motion passed unanimously.

Meeting adjourned at 10:13am.