

North Carolina State Board of Elections
Minutes of Meeting
December 11, 2024

The State Board of Elections held an in-person meeting at its offices in Raleigh, North Carolina, on December 11, 2024. The meeting was called to order at 12:37 p.m.

Roll Call

Members present and participating included:

Alan Hirsch, Chair (present and participating via WebEx)

Jeff Carmon, Secretary

Kevin Lewis, Member

Siobhan Millen, Member

Stacy “Four” Eggers, Member

Ethics Statement

The Statement Regarding Ethics and Conflict of Interest was read by the Board Chair. No conflicts were noted.

The Board Chair then addressed a conflict of interest alleged by the protestor in the election protests filed by Jefferson Griffin and currently under the Board’s consideration. The Chair announced his determination, pursuant to G.S. 138A-15, that Member Millen did not have a conflict of interest in the protest that would require her to recuse from the proceeding. That determination had been reduced to writing and posted on the State Board’s website.

Supplemental Canvass of 2024 General Election

General Counsel Paul Cox was recognized to provide an update on the 10 contests that had not yet been certified for the November 2024 election, because they were subject to a recount. Those recounts were completed. As such, the State Board was required to complete the canvass of the contests within its jurisdiction and authenticate the vote counts in all contests.

After discussion and deliberation, Member Eggers moved that the State Board canvass the votes cast in the ballot items in the November 5, 2024, general election within the jurisdiction of the State Board that the Board was unable to canvass on November 26, 2024. These include state supreme court associate justice, NC Senate district 18 and NC House district 32. Member Eggers further moved that the Board authenticate the count, as displayed in the supplemental composite abstract prepared by staff, in every ballot item for the general election that the State Board was unable to authenticate on November 26, 2024. These include, in addition to the contests already mentioned, NC Senate district 42, NC House district 105, Cabarrus County Commissioner, Pitt County Commissioner district C, City of Trinity Council ward 3, Rowan-Salisbury Board of Education seat 5, and Wilson Board of Education district 4. The motion was seconded by Member Millen. A voice vote was taken. The motion carried unanimously.

Election Protests filed by Jefferson Griffin, Ashlee Adams, Stacie McGinn, and Frank Sossamon

General Counsel Cox was recognized to introduce the matters for the Board's preliminary consideration of the protests currently in the State Board's jurisdiction that were filed by Jefferson Griffin regarding the Supreme Court Associate Justice contest, Ashlee Adams regarding the NC Senate District 18 contest, Frank Sossamon regarding the NC House District 32 contest, and Stacie McGinn regarding the NC Senate District 42 contest in the November 2024 general election. Associate General Counsel Adam Steele was then recognized to provide an update regarding the status of the protests filed by these same candidates that were in the jurisdiction of the county boards of elections.

Counsel for the protesters and opposing candidates then presented oral argument on the three categories of protests that were in the State Board's jurisdiction, including answering questions posed by members of the Board.

General Counsel Cox then described the issues for the Board to decide in these protests: (1) whether the Protesters properly served the voters they are challenging, (2) whether the HAVA identification protests (SSN/DL) establish probable cause to believe that a violation occurred that is remedial by election protest, (3) whether the state law authorizing certain overseas citizens to vote in North Carolina elections when they have never resided in the state is constitutional (and therefore whether the protest alleges a legal violation), and (4) whether the administrative rule exempting military and overseas-citizen voters from providing photo ID is lawful (and therefore whether the protest alleges a legal violation).

After discussion and deliberation, Secretary Carmon moved that the State Board conclude that the protests were not properly served and therefore they do not substantially comply with G.S. § 163-182.9. The motion was seconded by Member Millen. A roll call vote was taken. The motion carried 3-2, with the Chair, Secretary Carmon, and Member Millen voting Aye, and Members Eggers and Lewis voting Nay.

After further discussion and deliberation, Secretary Carmon moved that the State Board conclude that the protests regarding registration records without driver's license numbers or the last four digits of social security numbers do not establish probable cause to believe a violation, irregularity, or misconduct occurred in the conduct of the election. The motion was seconded by Member Millen. A roll call vote was taken. The motion carried 3-2, with the Chair, Secretary Carmon, and Member Millen voting Aye, and Members Eggers and Lewis voting Nay.

After further discussion and deliberation, Member Millen moved that the State Board conclude that the protests regarding overseas citizens who have never resided in North Carolina but who are entitled to vote via statute do not allege a violation of law, irregularity, or misconduct in the conduct of the general election. The motion was seconded by Secretary Carmon. A roll call vote was taken. The motion carried 3-2, with the Chair, Secretary Carmon, and Member Millen voting Aye, and Members Eggers and Lewis voting Nay.

After further discussion and deliberation, Member Millen moved that the State Board conclude that the protests concerning the ballots of military and overseas-citizen voters that are not

accompanied by photo ID or an ID exception form do not allege a violation of law, irregularity, or misconduct in the conduct of the general election. The motion was seconded by Member Eggers. A roll call vote was taken. The motion carried unanimously.

Adjournment

Member Lewis moved that the State Board adjourn. The motion was seconded by Secretary Carmon. A voice vote was taken. The motion carried unanimously.

The meeting is adjourned at approximately 3:04 pm.