

North Carolina State Board of Elections
PO Box 27255
Raleigh, NC 27611-7255

September 23, 2020

To: Chairman Damon Circosta

Dear Mr. Chairman,

I am submitting my resignation to the State Board of Elections effective immediately. However, I would like to clarify some of the issues that came before this board and the reason for my decision.

In particular, the recent memo outlining the new absentee ballot "cure" for the witness requirement. It was not my understanding that the cure would simply mean an affidavit, or cure document, would be sent to the voter for a confirmation that this ballot was their own. No further information but a signature by the voter affirming the ballot was theirs would be required. My understanding was the witness requirement would stay as it is currently with the exception that only one witness signature would be required. Not only was I taken aback by this but I am sure many county directors will be too.

Many of the new rules for the elections this year have been brought about by lawsuits filed against the NCBOE and the opinion from the NC Attorney General's Office that the likelihood of prevailing in court would be slim. A negotiated settlement would be the best option for our agency to pursue. Part of this thinking was that if we waited for a 3-panel judge to rule, that the ruling might occur during the voting period and would cause disruption to the process. Even if that didn't happen, my thought was that a ruling might be more detrimental than what could be negotiated.

I also disagreed vehemently with the one-stop requirement equation to determine the number of one-stop sites. My argument was that it would lead to higher costs to the county by forcing them to open additional sites and not relying on the county boards to use their knowledge of their own county voters in determining how many sites they felt were needed. While waivers were offered by the NCSBOE to the counties, it was in my view, over-reach by the agency.

It was also misleading by the agency to send out a memo requiring the weekend hours at one-stop sites requiring a minimum of 10 hours for the one-stop sites to be open. My take on the initial communication sent to county BOE's was that implied that Sunday voting be included. This was amplified by requiring counties that had already submitted plans to re-submit them based on the new requirements. My protestation to the agency was met with the response that they would be sending out a memo giving examples for the counties to use that would not included Sunday voting. While that was done by the agency, in later meetings where non-unanimous county one-site stop sites were mediated by our Board, it was stated by at least one county that they thought that Sunday voting would be required. I myself received two phone calls from local board members from separate county boards asking if Sunday voting was now required.

These are all items I discussed with our Director and offered my opinion.

In my time on the board we have:

- 1) Undertaken the 9th Congressional hearing on the first full day I was appointed to the board
- 2) Fired Kim Strach, which I voted against
- 3) Hired Karen Brinson Bell, which I voted against. Note: While I voted against hiring Director Brinson Bell, I want to commend her for re-organizing the office to operate more efficiently and improving communication with the county BOE offices, which was goal of mine.
- 4) Certified new voting equipment which at least allowed more than one vendor to compete. Hopefully, in the future, by opening competition between vendors will result in better systems at a competitive price.
- 5) Dealt with our usual hurricane preparedness but threw in a earthquake for good measure.
- 6) Lost one chairman (Chairman Cordle) and gained another (Chairman Cirosta).
- 7) Currently dealing with COVID-19, an unprecedented pandemic that has forced us all to look at how elections will be conducted for now.

I can only offer that I did my best to act to reach consensus to make sensible decisions while knowing that the vote most likely would end up 3-2. These recent decisions have made it untenable for me to remain as member.

Sincerely,

David Black