

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE WAKE COUNTY BOARD OF ELECTIONS
AND THE COUNTY OF WAKE**

WHEREAS, the County of Wake (hereinafter ‘the County’’) is a body politic and corporate; and

WHEREAS, the Wake County Board of Elections is appointed by the State Board of Elections to discharge statutory duties for the guidance of election officers and voters as set forth in N.C.G.S Chapter 163 Article 4 *et seq*; and

WHEREAS, pursuant to N.C.G.S. 163-37, the County appropriates reasonable and adequate funds necessary for the legal functions of the County Board of Elections; and

WHEREAS, the Wake County Board of Elections is required to manage its records created, received and used in connection with conducting local, state, and federal elections pursuant County Board of Elections Retention and Disposition Schedule issued by the N.C. Department of Natural and Cultural Resources pursuant to N.C.G.S. 121-5; and

WHEREAS, the Wake County Enterprise Records Manager is responsible for administering the county-wide Records Management Program, with Records Custodians defined to include the Wake County Board of Elections as set forth in the Wake County Records Management Policy; and

WHEREAS, the County’s Records Management Policy and departmental procedures apply only to employees of the County, its agencies, and departments and not to the Wake County Board of Elections, Its Director, or its staff; and

WHEREAS, pursuant to N.C.G.S. 163-35, the Director of the County Board of Elections may perform administrative duties delegated by the County Board of Elections; and

WHEREAS, to help ensure a uniform system of records and information governance in Wake County, the County through the Enterprise Records Manager and the County Board of Elections through its Director desire to enter this Memorandum of Understanding to provide clear guidance for the authority of the Records Manager to ensure compliance with the County’s policies and with the provisions of Chapter 121 and 132 of the General Statutes of North Carolina, and to set forth the agreement of the County Board of Elections to abide by the records management policies and procedures of Wake County, except where such agreement conflicts with other applicable law or statutory authority of the County Board of Elections.

THEREFORE, the County of Wake and the Wake County Board of Elections mutually agree as follows:

Section 1. The County of Wake acknowledges that the County Board of Elections has independent responsibility and authority for records management of the Wake County Board of Elections.

Section 2. The Wake County Board of Elections Director shall comply and require the Wake County Board of Elections staff to comply with all Wake County records management policies and procedures and the County Board of Elections Records Retention and Disposition Schedule as the same may be amended from time in the same manner required of other County departments, except when in conflict with other applicable law or statutory authority of the County Board of Elections.

Section 3. This Memorandum of Understanding will be effective when signed by both parties. It shall remain in effect until modified or terminated by written mutual agreement of the parties hereto, or upon ninety (90) days' written notice by either party.

This Memorandum of Understanding supersedes and replaces all prior Memoranda of Understanding involving this subject matter between the County and the County Board of Election.

COUNTY OF WAKE, NORTH CAROLINA

BY: _____

Greg Ford, Chairman
Wake County Board of Commissioners

The signing of this Memorandum of Understanding was authorized by the Wake County Board of Commissioners at a meeting held on the ____ of _____, 2020

Clerk, Wake County Board of Commissioners

DATE: _____, 2020

WAKE COUNTY BOARD OF ELECTIONS

Gary Sims, Director

BY: _____

DATE: _____, 2020