

Buncombe County Board of Elections

Asheville/Buncombe County League of Women Voters

Monitor Name: Deborah Britt

Meeting Date & Time: May 10, 2022, 3:30pm

Names of Board Members Attending:

Jake Quinn, Chairman

Linda Block, Secretary

Steven Aceto, Board Member

Glen Shults, Board Member

Robert (Bo) Carpenter, Board Member

*Mr. Mueller, Legal Counsel for the Board of Elections for the Public Hearing

Staff Attending:

Corinne Duncan (Director)

Jacqueline Austin (Absentee Program Coordinator)

Karen Rae (*? Title... does the training*)

Devin Whitney (Elections Technical Specialist)

The meeting was called to order at 3:30pm by Chairman Jake Quinn.

Chairman Quinn welcomed the attendees in the room and the virtual attendees. Of note, there were no empty seats in the attendee section and staff brought in extra chairs. Chairman Quinn provided instructions to the attendees present:

- To sign the guest register per procedure.
- During the Board Meeting - To raise their hands for questions and when called upon to state their name (explaining the BOE meetings are recorded for public record).
- During the Public Hearing – Per procedure, attendees “are not” permitted to ask any questions.

Agenda Item: **Minutes**

Chairman Quinn – stated that the Board had minutes from May 3 and May 6 to approve discuss and approve.

- May 3 – Secretary Block asked the Board if everyone saw her addition to the minutes regarding Poll Book signatures. All board members confirmed. No discussion or additional questions. Board unanimously approved.
- May 6 – Emergency Board of Elections Meeting. No discussion or questions. Board unanimously approved. Chairman Quinn explained they called the emergency meeting secondary to the tornado warning issued by Buncombe County. Board discussed and unanimously approved to close all Early Voting Sites two hours early.

Agenda Item: **Office Updates** given by Director Corrine Duncan

- Today is the 11th Day of Early Voting and all is going well.
 - Turnout has increased and surpassed 2018 total.
- Absentee Ballots
 - Absentee Ballots are setting a record compared to 2018.
 - Last day to request an Absentee Ballot is 5pm today - May 10.
 - Absentee Ballots may be returned to any Early Voting Site official.
 - Absentee Ballots may not be returned to a polling location on Election Day.
 - Deadline to return Absentee Ballots to the Board of Election's office is 5pm on May 17.
 - Absentee Ballots received by mail after 5pm on Election Day will be counted only if they are postmarked on or before Election day and received no later than 5pm on May 20 (on the Friday after the election).
- Training for Election Day was finished today – May 10.
- Appointments of additional MAT Teams presented by Ms. Austin
 - Many of the individuals of the MAT Teams also work at Early Voting Sites.
 - Ms. Austin presented individuals that had been interviewed and were recommended by Staff.
 - Ms. Austin provided each Board Member a copy of the interview questions and the applicants responses.
 - Secretary Block commended Staff for the interview form.
- The Board unanimously approved the applicants recommended by Staff.

Agenda Item: **Public Hearing**

- Chairman Quinn outlined the following:

- A complaint was filed against an Official.
- The petitioner and the person whom the complaint was made against will both be given an opportunity to present and to question one another; Board Members will also have the opportunity to ask both of them questions.
- Fact Findings
- Conclusion
- What does the law allow?
- All Board Members and the person whom the complaint was made against have a copy of the complaint and all supporting documents submitted by Mr. Rose.
- As the Board called upon a person to speak, they were sworn in by Chairman Quinn. Persons called upon during the Public Hearing were: Ms. Kline, Ms. Olson, Mr. Rose, and Ms. Duncan.
- Petitioner that filed the complaint was Mr. Jeff Rose – Buncombe County Democratic Party Chair was not present. Mr. Rose was out of town on business and had appointed Kathie Kline – First Vice Chair of Buncombe County Democratic Party to speak to speak for him.
- Ms. Kay Olson – Chief Judge, Precinct 53.1, Leicester Community Center was present.
- At the podium, Ms. Kline said that she had knowledge of the complaint and was “here in good faith”.
 - Ms. Kline read through the complaint.
 - Ms. Olson denied having any questions of Ms. Kline
- Board Member Mr. Carpenter referred Board Members to number ??? on page 442 in their law red manual (rules & regulations). He read them the statute. By law, the person making the charge and whom signed the affidavit “shall appear” for the Public Hearing (please note this is not a direct quote).
 - Questions went back and forth if Mr. Rose knew he would have to appear; Did Ms. Kline know he had to appear?
 - The Board utilized their legal counsel, Mr. Mueller, many times during the hearing.
 - The Board utilized their BOE red manual of laws (processes and procedures) by which they are to abide. The BOE members would read aloud laws in the manual they found to be applicable to this case. (I could see the Board Members turning to their manuals and reading the statute being referenced.)
 - The Board reviewed and discussed definitions for the words “shall”

- and “appear”.
- The Board concluded by law, Mr. Rose was to be present in person. They had discussed being physically visible and seen and heard speaking.
- They further discussed the urgency of the Public Hearing as election day was May 17. They expressed concern that the Precinct needed to be administered appropriately by the law.
- The Board agreed that if Mr. Rose was available later today or tomorrow to attend virtually (with video and audio) that he would meet the law requirements to appear and be present. Chairman Quinn asked Ms. Duncan to reach out to Mr. Rose and inquire about his availability and access to attend virtually (video and audio).
- The Board unanimously approved to temporarily adjourn the Public Hearing at *??? time and begin the Absentee Ballot Review until they heard back from Mr. Rose.

Agenda Item: **Absentee Ballot Review** given by Jacqueline Austin

- 295 Absentee Ballots for this evening
 - Overseas = 9
 - Military = 2
 - Civilian = 284
 - Recommended by Staff for disapproval = 10
- Ms. Austin recommended to the Board that they begin with the UOCAVA ballots (the federal Uniformed and Overseas Citizens Absentee Voting Act).
 - Board Teams did their review.
 - Ms. Block/Secretary and Mr. Aceto/Board Member
 - Mr. Shults/Board Member and Mr. Carpenter/Board Members
 - The team checked the following: name on the ballot envelope matched the name on the BOE list, there is a signature on the envelope, and that the envelope had not been opened or damaged.
 - Ms. Austin handed reviewed UOCAVA ballots to Chairman Quinn.
 - Chairman Quinn handed to the Duplicating Team.
 - Ballots Duplicated – Chairman Quinn asked the routine question if they heard the call, did they see the mark, and the ballots duplicated accurately and completely. Duplicating Team answered Yes to all the questions.
- The Board Teams (as identified above) began with the Civilian Absentee Ballots until 5:15pm.

- Civilian Ballots were opened and separated. Verified name on BOE list. Validated Envelope Number matched the Ballot Number. Checked for having either two witnesses or a notary stamp verifying the voter's signature, checked the name and signature, and checked the address.

Agenda Item: Public Hearing – Reconvened at *5:15pm

- (Ms. Duncan reported that Mr. Rose was availability at 5:15pm Eastern Standard Time and yes, he had the technology to be “present”.
- The Public Hearing reconvened with Mr. Rose whom was visibly present by video and audio.
- Board asked Mr. Rose how he became aware of Ms. Olson's activity. The information (a complaint) was brought to him by a voter. He said he did his own research and submitted his findings with his complaint to the BOE's.
 - He referenced two PACs on Facebook which sounded like “WNC Freedom” and “Team Asheville”.
 - On the PAC's Facebook page, the Ms. Olson supported certain candidates. The PACs are not private thus; posts can be shared by others. Mr. Rose referenced a post on Facebook “East Asheville Safety and Truth Group”. (I believe that this post was shared from either WNC Freedom PAC or Team Asheville PAC).
 - When questioned by the Board, Ms. Olson acknowledged that was her post. She shared the candidates were her personal friends, they were unaffiliated candidates, and she was supporting them as a friend.
 - Ms. Olson verbalized she was not told she could not post.
- There was reference to Disclosure Forms of the PAC's where Ms. Olson had signed as “Assistant Treasurer”. When questioned by the Board, Ms. Olson acknowledged she had training to be a Treasurer, but there was not a defined position for an Assistant Treasurer for either PAC. She had signed the Disclosure Forms simply to help out the Treasurer who was busy this time of the year.
- Board called upon Ms. Duncan to speak to the training Officials receive. Ms. Duncan read from the “Oath” that each Official takes; she referenced the training manual each Official receives and what is talked about during training. The example she gave was Social Media.
- Each Board Member had the opportunity to question Petitioner/Mr. Rose. Questions were asked by Board Members and Mr. Rose answered.

- Each Board Member had the opportunity to question Ms. Olson. Questions were asked by Board Members and Ms. Olson answered. Prior to asking Ms. Olson any questions, each Board Member acknowledged her long service record with the BOE (dating back to 2012) and thanked her.
- Mr. Rose and Ms. Olson had the opportunity to ask each other questions.
- During the Public Hearing, all Board Members utilized their BOE red manual (laws by which they abide.) A statute number (and page number) would be referenced and the Board Member would read it aloud. The rest of the Board would turn to that statute in their red manual and read for themselves. Of note, at times the statute was read aloud specifically to Ms. Olson.
 - From my notes, these are the statutes referenced: 163.41, 163.39, 163.22 (27). (I cannot verify the accuracy or the completeness of the statutes that were read.)
- The Board talked of the following:
 - The Oaths they uphold as the Board of Elections for Buncombe Cty.
 - Setting a precedence for the Boards that will follow this current Board.
 - Their accountability to election integrity.
 - Their accountability to the trust of the public.
- The Board asked Mr. Mueller/Legal Counsel to the Board, to read his documentation of the finding of facts presented.
 - PACs
 - Your Team Asheville and Disclosure
 - WNC Freedom and Disclosure
 - Facebook screen shot
 - Ms. Olson admitted to the allegations on page 2 of the Complaint
- The Board unanimously voted to accept the Mr. Mueller/Legal Counsel documents into the Public Hearing
- Chairman Quinn made the following motion (motion was made and seconded):
 - Based on the findings of fact, there is satisfactory cause to remove Ms. Olson as Chief Judge of Precinct 53.1, from office for this term.
 - Voting results:
 - Four – yeas
 - One – nay
- Chairman Quinn shared that Chief Judges are appointed for a two-year term. The next cycle starts the summer of 2023.

- If I understood correctly, Mr. Mueller/Legal Counsel to the BOE will send his documentation to the Board by tomorrow morning where the board members will read and sign. The BOE has one day to send to the NC State Board of Elections.
- *7:21pm – Chairman Quinn concluded the Public Hearing and stated the BOE meeting would recess until 7:30pm.

Agenda Item: **Absentee Ballot Review** by Jacqueline Austin resumed

- *7:30pm – Board Teams resumed review of the civilian Absentee Ballots.
- Absentee Ballot review completed.
- Chairman Quinn asked that the Ballots be prepared and scanned
- Chairman Quinn called upon Devin Whitney (Elections Technical Specialist)
 - Daily Death reports during Early Voting - Staff do a “daily” review of records (and other processes) where deaths are recorded.
 - Accurate voter rolls must be accurate and up to date.
 - It is law that a voter has to be alive on Election Day.
 - Mr. Whitney used the term “challenge” to remove deceased voters from the roll. They challenge within a window on Election Day.
 - Example given – On April 28, a voter voted at an Early Voting Site. Voter died on May 3. This voter vote will be removed from the Voter Rolls.
- Ms. Austin pass around the Ballots recommended by Staff to be “disapproved”.
 - Two ballots – no address of the witnesses
 - Five ballots – only one witness signature
 - Two ballots – with no signature
 - One ballot – employees signed the envelope as the witnesses, but no address was included. Staff called about the addresses and learned that the signatures were that of employees. MAT Teams had been out to that facility.
 - Board unanimously approved to disapprove the ballots.
 - Staff will follow-up with the voters.
- Duplicating Team dismissed by Chairman Quinn.
- Staff brought in the polybags
 - Polybags were passed around to each Board Member where they reviewed the stamped information, the staff’s signature, ensured the polybag was sealed, and then each Board Member signed their name.

- Ballots processed at this meeting:
 - 295 Absentee Ballots for this evening
 - Overseas = 9
 - Military = 2
 - Civilian = 284

Chairman Quinn – called for a meeting Friday, May 13 at 3:30pm.

- He provided the Board an explanation. This is my understanding of what he spoke.
- Purpose is to have the Absentee Ballots, received on Thursday and Friday, reviewed and scanned into the system. This will cut down the volume of Absentee Ballots to be reviewed/scanned on Monday. The Absentee Ballots will be in the system documenting these voters have voted. A list goes out to all precincts so, the precincts know who has already voted if anyone shows up on Election Day and tries to vote.

Chairman Quinn verbalized the meeting for Monday, May 16 was scheduled for 5:30pm.

Chairman Quinn adjourned the meeting at 8:40pm.