

# **Buncombe County Board of Elections**

## **Asheville/Buncombe County League of Women Voters**

**Monitor Name:** Aiden Carson

**Meeting Date and Time:** June 7, 2022 at 3:30 pm

### **Names of Board Members Attending:**

Jake Quinn, Chairman

Linda Block, Secretary

Steven Aceto, Board Member

Glen Shults, Board Member

Robert (Bo) Carpenter, Board Member (remote)

### **Staff Attending:**

Corinne Duncan (Director)

Mr. Mueller (Legal Counsel)

The meeting was called to order at 3:30 PM

Chairman Quinn welcomed the attendees in the room and the 6 virtual attendees.

### **Agenda Items:**

- The Board unanimously approved the minutes of 5/26, 5/27, 6/2, and 6/3.
- **Office updates:** Director Corrine Duncan

She stated that the machine and hand-eye recount for congressional district 115 had been completed.

She suggested that the issue of pollworker attrition be addressed at the next meeting.

### **Preliminary Voter Challenge Hearing**

Chairman Quin announced that the hearing would address a voter challenge by 5 individuals challenging the voter registration of Ernest Jeffrey Worley, who had run for sheriff in the May Republican primary. Chairman Quin emphasized that this was a voter challenge and not a candidate challenge. (That is, his voter registration was objected to, not his qualifications to run for office) The intent was to review the paper claims made by the challengers and to give them each a chance to testify, in order to determine if there was probable cause to hold a full hearing.

- Witness Vicky Cook was sworn in. She stated that Worley has not lived in the county since 2017 and instead resides in Brunswick County, where he lives with his girlfriend in Shalotte (sp?). She submitted tax documents showing that Worley's mother, Fanny Worley, has been paying the taxes on the 5 Pine Knoll Drive, where Ernest Worley has said he lives on his voter registration.
- Mr. Aceto read from the book of regulations on the requirements for residency. Residency is the place where a person "intends to return" after temporarily going someplace else.
- Mr. Shults remarked that Mr. Worley must have "intended to return" to Buncombe County since he ran for sheriff here.
- There was discussion about residences on Pine Knoll Drive. Tax records suggested Fanny is the owner of 5 Pine Knoll. Ernest had previously owned 6 Pine Knoll but had sold it.
- Ms. Black noted the paperwork submitted by Ms. Cook indicated that Mr. Worley's father, Warren D. Worley, had died and left 6 Pine Knoll to Ernest.
- Witness Gloria Michael was sworn in. She stated that she was restating Ms. Cook's claim and had nothing to add.
- Witness Theresa Rhinehart was sworn in and stated that she was there to support Ms. Cook.
- Complainants Eric and Jonathan Sams were not present at the meeting. Chairman Quinn asked them to indicate if they were present virtually and there was no response, Ms. Duncan attempted unsuccessfully to reach them by telephone.
- Discussion ensued. Mr. Shults asked for a definition of "probable cause". A reference was found that said that probable cause is "practical, non-technical probability". Mr. Shults said that it sounded like a very low bar and he thought that a minimal showing of it had probably been satisfied. Mr. Aceto disagreed, quoting from the book of regulations that "residence shall be broadly construed". Ms. Block noted that the facts of ownership were not proof of where Mr. Worley was living. Mr. Carpenter said he agreed with Aceto and Block and does not think the evidence rises to the level of probable cause. Mr. Quinn said he had always used the standard that a residence is where someone spends more than half their nights. Mr. Mueller, the attorney, said he had looked into the ownership of the two houses on Pine Knoll. Both had been owned by the father, Warren D. Worley. When he died he left both houses to Ernest (and his sister?), who granted his mother rights to the 5 Pine Knoll house during her lifetime but retains a life interest, so when she dies he will become the owner. Mr. Aceto asked for information on Mr. Worley's voting history. Ms. Duncan was sworn in and stated he had voted in Buncombe County for at least the last 5 years, and that if he had registered in Brunswick County that would have caused his registration to be revoked in Buncombe.

- Mr. Shults made a motion to find that probable cause for a full hearing had been found.
- A vote was taken, with Mr. Quinn voting YES and the other 4 Board Members voting NO. The motion failed.

**The meeting was adjourned at 5:14 PM.**