

Buncombe County Board of Elections – Absentee Meeting - Draft Asheville/Buncombe County League of Women Voters

Monitor Name: Cheryl Williams

Meeting Date & Time: November 4, 2022 3:30 pm

Names of Board Members Attending:

Jake Quinn, Chairman

Robert (Bo) Carpenter, Board Member

Glen Shults, Board Member

Linda Block, Board Member

Steven Aceto, Board Member

Names of Staff Attending:

Corinne Duncan, Director

Jaqueline Austin (Absentee Program Coordinator)

Other staff

Meeting was called to order at 3:37 pm

A total of 5 observers, including one from Common Cause and one from LWV-AB attended the meeting in person.

Agenda Item I Minutes: Minutes were deferred until the next meeting

Agenda Item II Office Updates:

- Saturday, November 5 is the last day of early voting. Hours are from 8 am to 3 pm across the state.
- The Elections Services office will also be open during those hours.
- The last two days of early voting generally have the most turnout and lines can be very long.
- As of November 3, about 57,000 early votes had been cast which exceeds the number received in the last mid-term election in 2018.
- Of the 10,352 Absentee ballot requests received, about 5,000 have been returned.
- Absentee ballots cannot be turned in to a polling place on Election Day but they can be turned in at the Elections Services Office.

Agenda Item III: Absentee Ballot Review

Chairman Quinn asked that observers direct any questions or comments they may have to him rather than to staff, who are busy with their duties and should not be distracted. The Board Members reviewed a total of 1,277 absentee ballots (following adjustments), consisting of 1,208 civilian ballots, 64 overseas ballots which includes one military ballot, and 5 military ballots. A total of 68 civilian ballots had been duplicated by staff

prior to the meeting. The ballots were approved following a motion that was seconded and a unanimous vote by the members.

Adjustments to the beginning count of 1,278 ballots included the following:

- 2 ballots rejected for lack of witness signatures
- 1 moved to pending further review (the ballot and envelope had different CIV numbers)
- 2 ballots that had previously been rejected had been further researched and subsequently approved

To date a total of 16 ballots (14 from previous meetings and 2 from this meeting) have been rejected for the following reasons:

- 1 had no signatures from either the voter or witnesses
- 3 had no names or signatures from witnesses
- 4 had no signature from the first witness
- 4 had no signature from the second witness
- 2 had only one witness
- 1 was improperly notarized
- 1 had mismatched CIV numbers on the ballot and the envelope

The total of ballots rejected changes over time as Elections Services staff reach out to voters who then provide the missing information. As noted above at this meeting 2 ballots previously rejected were approved because staff conducted further research. In one case staff confirmed the signature of a witness. Board members had been concerned because the signature appeared to have been crossed out. However, staff learned that is the person's signature style. In the second case, staff confirmed that all required information was provided even though the voter returned their general election ballot in an envelope from the May primary. Ms. Austin reported that although the language on the return envelope had changed, the core requirements had not.

Each Board Member was paired with a staff who had a list of all the ballots to be reviewed by that Member and checked off each as the Member confirmed the ballot envelope had all required information and signed the ballot envelope as having been reviewed. The staff kept the empty ballot envelopes in order and unfolded the ballots that were periodically collected by Ms. Austin who then took the reviewed ballots to an adjacent room where the ballots were scanned on the DS850 machine. Ms. Austin collected the empty envelopes and secured them in the batches. The batched empty envelopes were then secured in a box. Board members signed a form attached to the box. The flash drive and print outs related to scanning the ballots was placed in a lavender envelope, sealed and signed by board members

Eleven ballots were duplicated for reasons generally not specified. However, in one case the voter wrote in comments about who they did not want to vote for which required that it be duplicated. A team of 4 staff comprised of 2 individuals each affiliated with the two major parties. One person read the marks (but not loud enough to be heard across the room), a second person observed that the correct marks were read, a third person recorded the marks on a new ballot, and the fourth person confirmed that the marks were made correctly. At the conclusion of the task, Mr. Quinn asked the team questions about their work, such as whether they had any difficulty discerning the voter's intent and whether they had any questions about their work. The original ballots were placed in a red envelope, sealed and signed by Board members. Ms. Austin retained custody of the envelopes and the box.

The Board members discussed several ballots proposed for rejection to reach a decision. In one case, Ms. Block argued that since the person who helped the voter complete the ballot had signed both for the voter and as the assistant, the person should be considered as a second witness as well since one could infer that the assistant observed marking the ballot. Mr. Quinn proposed that the attestations in the two signature areas are quite different and that strictly speaking one could not infer what the assistant may or may not have seen. Specifically, the assistant section only requires attesting that the person helped the voter without specifying the type of assistance provided. The witness attests to seeing the voter complete the ballot and place it in the envelope. Elections Services staff have reached out to the assistant by phone and email but with no response. The email bounced back. Mr. Quinn stated that although he would love to accept the ballot, the bottom line is that the return envelope was not properly filled out. Moreover, the envelope contained no comment at all about why the voter could not sign.

In another case, the witness did not sign the envelope but did return the ballot to Elections Services and signed the required document. Because the witness attests to seeing the voter mark and seal the ballot, obtaining a signature when the ballot was dropped off does not address the deficiency.

The topic of discrepancies in the appearance of signatures came up more than once. For example, Ms. Block said that on one envelope, it appeared to her that the same person signed as both voter and witnesses. On another envelope from the same household, the signatures of the witnesses seemed to her to have been made by the person she thought may have signed all signatures on the other envelope from the household. Mr. Shults and Mr. Carpenter both said that because none of the members are experts in handwriting analysis, it is not for them to make such determinations. Staff provided guidance from the State Board of Elections stating that generally board members are to accept signatures presented to them. Ms. Block made a motion to reject the two ballots. The motion was seconded but the vote was 3 to 2 to accept the two ballots.

A motion was made, seconded, and approved to reject the 16 ballots.

In all, a total of 1,294 ballots had been discussed consisting of:

- 1,277 that were approved
- 16 that were rejected
- 1 that was moved to pending

Agenda Item IV Next Meeting Date: November 7, 2022, Absentee Ballots, 5:30 at 59 Woodfin Place

The meeting is at 5:30 to allow for postal delivery of returned ballots until 5:00 pm.

Ms. Block has a prior commitment and can only attend the first part of the meeting via phone.

Chairman Quinn alerted members that they need to be available to take calls beginning at 6 am on November 8, Election Day and to meet at 2:00 pm at Woodfin Place.

The meeting adjourned at 7:32 PM