

Buncombe County Board of Elections

Asheville/Buncombe County Board of Elections

Monitor Name: Cheryl Williams and George Elam

Date & Time: December 13, 2022 4:30 PM

Names of Board Members Attending:

Jake Quinn, Chairman

Steven Aceto, Board Member

Linda Block, Board Member, Secretary

Glen Shults, Board Member – via Zoom

Names of Board Members Not Attending:

Robert (Bo) Carpenter, Board Member

Names of Staff Attending

Corinne Duncan, Director

Neggy Fox (Election Preparation Specialist

Maggie (?), presented survey responses for early voting

Tammy (?), presented survey responses for election day voting

Anna Katherine Moore, Clerk to the Board

Devin Whitney, Elections Tech. Specialist

Other staff

Observers:

A total of at least 16, including 1 from Common Cause, 2 from LWV-AB, 2 from Buncombe County Republicans, about 5 from NC Election Integrity (NCEI), with the remainder of unknown affiliation although 1 shared the concerns of the NCEI representatives.

Agenda Items

Minutes from 11/7 and 11/18 approved unanimously.

Office Updates (Corinne Duncan):

- All data from 100 counties has been received by the SBOE.
- Archiving of the election results should be completed by the end of this week when the materials will be moved into storage.
- The budget is the next priority and will likely require two Board meetings in January. Ms. Duncan makes her two presentations on the budget to the County Commission on Jan. 20 and Feb 2. The Board agreed to meet on Jan. 17 and 24 so they can discuss the budget before each of the Commissioners' meetings

- In a subsequent discussion regarding dates for the budget meetings, members agreed that routinely meeting, even during years with no elections, was useful for continuity and to consider any developments that might affect their work, such as might arise from sessions of the General Assembly. With regard to scheduling, Ms. Duncan noted that the County Commissioners meet the first and third Tuesday of each month.
- On January 10, 2023 Elections Services staff will attend a District Meeting to be held in Haywood County at 10 am. Ms. Duncan invited Board Members to attend and carpool with staff if they like.

Office updates – post-election surveys (Neggy Fox, Karen ?)

Following the election, staff sent surveys to poll workers and judges/captains from early voting and from election day soliciting their feedback. The surveys were sent in mid-November.

For both voting periods and for both officials and poll workers, staff reported, the response rate was good and overall respondents of all party affiliations rated their teams and the support from Elections Services staff highly. For example, for early voting 80 percent of respondents rated the performance of their teams at 5 stars and 94 percent said the teams were adequately staffed. They also rated responsiveness of Elections Services to their concerns at 5 stars. Most of the poll workers and officials were experienced veterans.

Respondents also provided specific feedback on underperforming individuals and suggestions for improvements which the staff are reviewing for any needed corrective action. Additional suggestions included more comfortable chairs and better polling locations, particularly with regard to parking at the North Asheville Library. When asked why they sought the job, most respondents consider the work a civic duty. In addition, many said they wanted to learn more about the process and wanted to help ensure that all voting sites were adequately staffed. Respondents said that the training they received helped prepare them for the work and 64% said the training was adequate, Some said the training should be longer. Respondents also reported a high level of confidence in the security and integrity of the elections as well as the strength of the checks and balances that are in place.

Regarding the contractor that Elections Services used for payroll and to onboard the workers and officials, respondents rated the contractor as very responsive and customer friendly.

For election day, staff noted that 544 individuals had been onboarded but only 422 showed up to work. The attrition was due to last minute illnesses, such as flu or covid, as well as ceasing to interact with staff by not returning phone calls or emails. Staff said they intend to place greater emphasis on the need for recruits to follow through with the commitment to work and to communicate with staff, especially if they decide not to work.

This year Elections Services put GPS trackers in the cars of the judges which was well liked by everyone.

A number of respondents commented that many voters brought their children and suggested that staff prepare “ballots” for the children to complete on such topics as your favorite ice cream.

In the discussion following the staff presentations:

- Mr. Quinn suggested that future training should include discussion of all the post-election processes and audits both to remind veteran staff and to give a more complete picture of the election process to new comers.
- Mr. Shults wondered about the level of participation by MAT teams who were not included in the surveys. Mr. Quinn wondered about reporting on the level of, and changes over time in, the level of participation by MAT teams. Ms. Block questioned whether MAT teams track the number of voters they assist. Ms. Duncan said they do.
- Mr. Aceto made a “homework” suggestion for Board Members. Specifically he wanted them to think about and discuss what they believe the culture of the Board/Staff organization is and how, if at all, a vision of that culture is expressed in the survey results. In other words, is the organization perceived as doing what it should, by law, be doing? He further suggested that staff share their survey experiences with the State Board, because it could be useful to other counties
 - Ms. Duncan said that such a discussion would be very useful because for voters it is the poll workers and judges they see, not the staff and Board.
- Mr. Black, affiliated with the County Republicans, asked a question about the 30-day sort which had been briefly mentioned during the discussion. Mr. Quinn replied that following the election all early voting ballots are sorted by precinct and recorded with election day ballots. As a result, for analysis at the precinct level, these data are more accurate. He further noted that changes in precinct characteristics over time, such as demographics, can be useful to staff and Board members when selecting voting locations, for example, or considering recruitment strategies for workers and judges. Ms. Duncan confirmed that the results of the 30-day sort are counted to ensure that the totals match the totals from the overall results.

2022 Review

The following 5 points emerged from meetings among staff and with the contractor, which Ms. Duncan wanted the Board to consider and discuss:

- 1) The Board may want to consider having more input in developing the budget to help with Early Voting site selection and to ease the transition for new members. Mr. Quinn noted that future Boards would not be bound by any decisions made by the current Board.
- 2) Conduct an overall review of the election process – both early and election day – in a meeting that is open to the public and sufficiently timely to allow staff to enact any changes that need to be made.

- a. Mr. Quinn suggested that it would be most helpful if such meetings could be taken out into the county as a sort of “road show” to more directly connect to voters.
 - b. The discussion then branched into the development of precinct-specific profiles for each of the 80 precincts using data the staff already have. The profiles could contain descriptive information about locations, such as parking availability and accessibility, as well as statistics on such things as election turnout. Ms. Block and Mr. Shults suggested that profiles would be very useful to educate the public although they were concerned about placing an additional burden on staff.
 - c. Ms. Duncan said she thought they had the staff resources to take on this task, particularly with the recent additions. She also said the profile exercise would complement development of the county-wide comprehensive plan in that it might reveal where community centers are needed.
 - d. The members also thought the profiles could be used to analyze clusters of 4 to 9 precincts that share certain characteristics. They pondered whether it might be very helpful to build relations among precincts in the clusters to share information and strategies. For example, if one precinct in a cluster struggled with worker recruitment while others did not, the more “successful” ones might be able to help. A side benefit is that such relationships might also help the parties with their organization and strategizing.
 - e. Mr. Aceto cautioned that they need to be certain they are targeting the most useful characteristics. Perhaps, staff could suggest what characteristics they believe might be most useful for the Board’s consideration. He noted that what gets measured, also tends to get resources and attention. These analyses could be very useful to point out what parts of the organization are doing well and what parts need help. He also noted that the profiles should reflect the statutory obligations of the Board, so that it knows whether or not it is doing what it should be doing.
 - f. The development and maintenance of profiles would be an ongoing process.
 - g. Mr. Quinn proposed developing a sample profile for the Board’s consideration.
 - h. Comments from observers included that a “road show” would reveal concerns and matters that are not contained in the data but that need attention nonetheless. Mr. Quinn said such ideas might reveal characteristics that could be included in the profiles, if it made sense to do so. An example of concerns from voters being useful is voting locations in the Shiloh community.
 - i. Another observer questioned whether the profiles would be public documents. Mr. Quinn thought they would initially, at least, be internal documents but public access should be considered.
- 3) As previously noted, Ms. Duncan would like to engage the Board in discussing suggestions emerging from the survey results particularly regarding worker recruitment and engagement with the political parties.
 - 4) Ms. Duncan would like input from the Board on support from Elections Services regarding such things as equipment and meeting facilities.
 - a. Mr. Shults, as a new Board member, suggested a summary of election law be prepared by the State Board. Mr. Quinn liked the idea, in part, because it might be

a helpful exercise for the new State Board counsel. Mr. Aceto pointed out that the devil is in the details when discussing summaries of statutes.

- b. Ms. Block said she appreciated all the organizational support during absentee ballot scanning, including having staff assistance and the “dashboard” that staff used to track the disposition of ballots.
 - i. Mr. Aceto said the “dashboard” should be visible to online participants. Mr. Quinn said that once the Board is in permanent quarters that can be fixed. Same for the darkened glass on the dividing walls that separate the meeting room from the room where scanning is done, which seemed like a nice idea but which has not provided sufficient visibility for observers.
 - c. Mr. Shults suggested that additional guidance on how the Board is to assess signatures of witnesses would be very helpful. Perhaps the Board could develop a process to formalize the signature issues that arise during absentee ballot processing to guide policy development. Such a policy might need to be developed by the State Board.
- 5) The last suggestion would require a resolution to switch from the current equipment used to generate ballots on demand to the use of Vote Express, which each precinct is already required by law to have. The current equipment is prone to breakdowns which interrupts the voting process. Charlotte/Mecklenberg uses Vote Express in this way.
- a. Mr. Quinn thought that such a switch would require a great deal of public outreach and education.
 - i. On a side note, Mr. Black wondered whether the tabulator that broke down during absentee ballot scanning would be replaced. Mr. Quinn said it was in the budget.

Additional comments made during this discussion:

- Mr. Quinn wondered whether a catered lunch or other gesture to help get the early voting workers get through that last “brutal” Saturday.
- Ms. Block wondered whose responsibility it is to define the boundaries of precincts. Mr. Quinn said it is a state responsibility to help ensure continuity of data over time but that counties used to have more flexibility. However, he noted that Buncombe County has two conditions that should not exist: precincts that are not contiguous and precincts without voting locations within the precinct. He noted that the boundaries of precinct 18.2 near TC Robeson High School would have been changed long ago simply to manage the flow of voters which has ballooned over time. Managing the flow of voters is especially important during early voting.

Public Comment on Electioneering incident previously documented in minutes from November 14 sample audit and November 18 Board meeting

Specifically, allegations were made by both Linda Koback (?) and Jane R. Bileo (?) of NCEI that poll workers at one or more locations had inappropriately displayed a county developed document about a nonpartisan ballot measure. She wanted to know the results of the

investigation such as who approved the document in question, who paid for it, why the judges didn't stop it. She further alleged that a Republican judge had been fired for such activity while a Democratic judge had not. Observers from NCEI said that "painful" consequences should occur to the person(s) who engaged in this "electioneering" and the precinct judge who allowed it to happen. Moreover, these observers wanted further investigation and/or criminal charges following the investigation. None of these observers seemed to be aware of the formal steps required for filing a complaint and may have believed they could file a complaint at this meeting after the election results had been finalized. It seemed as if one or more thought a formal complaint had been filed at the time.

Mr. Quinn and Mr. Aceto each explained that the issue had been raised at least twice before the Board and that Mr. Black, who brought the matter to the Board's attention most recently in Nov 18 had stated he did not want to file a complaint. The issue was discussed and Mr. Black agreed that, given the margin of the votes at the location where it occurred, the inappropriate display of the document would not likely have swayed enough voters to reverse the outcome. Mr. Black agreed with Mr. Quinn's description but said more investigation should have occurred to identify who was responsible.

Mr. Aceto explained that the Board has a legal duty to provide due process to all individuals when a complaint is filed and that no one would/could be fired on the basis of hearsay. He further noted that people should be well informed about the election process and procedures for filing complaints, including the need to provide evidence and to appear when the complaint is being discussed. He invited these observers to get involved in the process so they can raise concerns about misdeeds in a timely manner.

When the incident had been discussed previously, the Board and Ms. Duncan agreed that poll worker training on inappropriate display of materials needs to be strengthened. Ms. Black also stated that the matter appears to be evidence that poll workers do not fully understand what electioneering is and when it may be inappropriate. Ms. Duncan reported that a temporary worker had allowed the material to be brought into the polling place. As a result, she implemented a policy that she, personally, must approve any materials carried into polling places by poll workers or election officials. It is a preventative step the County can take on its own authority.

One woman whose name I did not catch but who said she was an experienced poll worker in Buncombe County for many years, said she had seen the material in question being displayed at one early voting location but was not aware of whether it had occurred elsewhere or at other times. She pointed out that poll workers and election officials swear an oath not to engage in such activities and faulted the chief judge at the voting site for breaking their oath. Mr. Quinn noted that the State Board of Elections had engaged in a rule making endeavor to provide more specific guidance on what activities poll workers and observers could and could not engage in. However, the rule making effort was overturned by the courts. He also recalled a complaint filed last May was investigated by the State Board and the results could be found on the State

Board's website to provide additional information on how the process works. That incident fueled the rule-making effort.

One of these observers (whose name may be David Evanston or Evanson), who had experience observing elections in Detroit, MI and other places, complimented Buncombe County on having many safeguards in place but was still concerned about this breach of integrity. He further commented that even though the ballot measure was nonpartisan the county was a beneficiary of the election results and therefore any "legal opinion" by a county attorney would constitute a conflict of interest. Moreover, if the county as a potential beneficiary of a ballot measure can have a "legal opinion" then so should groups that oppose the ballot measure.

Mr. Aceto clarified that the county attorney's review was not a "legal opinion" but rather a review to help ensure that the information was presented in a non-biased manner. He further noted that the law often leaves areas open to interpretation and that legal minds can disagree on the meaning of any text. Mr. Quinn noted that no member of the Board or Elections staff were involved in the review of the material. Mr. Aceto agreed but pointed out that it remained unexplained how the material got into the polling place.

Next Meeting Date: Dates to be determined after consultation with Member Carpenter who was not attending. Following a suggestion from the Director the Board will meet twice in January to fully consider the budget. Suggested dates were 1/17 at 4:30 and 1/24 at 5:30. Location: 59 Woodfin Place

Meeting adjourned at 6:55 pm