

Buncombe County Board of Elections

Asheville/Buncombe County Board of Elections

Monitor Name: Cheryl Williams (in person), Aiden Carson (virtual)

Date & Time: January 24, 2023 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

Anna Katherine Moore, Clerk to the Board

Devin Whitney, Elections Tech. Specialist

Other staff

Michelle (?), Former staff who now represents the vendor for Vote Express machines.

Observers:

At least 6, including 1 from Common Cause, 2 from LWV-AB, 2 from Buncombe County Republicans, and 1 of unknown affiliation although this observer shared the concerns of the Republican party representatives regarding Vote Express machines

Agenda Items

Minutes from 1/17/23 approved unanimously with roll call

Office Updates (Corinne Duncan):

- Voting list update is in its early stages. About 8,000 address verification cards were sent out. To date, 114 have responded with updated address information and 178 returned as undeliverable.
 - A second step in the address updating process is to compare the US Postal Service Change of Address list to the Voter list. Staff expect to see the USPS list in early February and will follow up with any discrepancies.
 - Mr. Quinn requested that Ms Duncan and her staff complete a comparison of the numbers of cards sent out during the last address update with a breakdown of how

many were sent and the disposition of each, so the Board can compare the progress of this year's process with the last one.

- The office is completing its ADA compliance survey; 4 sites have been completed, 4 were completed this week, and 8 more will be completed next week.
- County Directors of Elections are required to complete a course on election law. Ms. Duncan has completed the course work and passed the examination.

Express Vote Discussion*

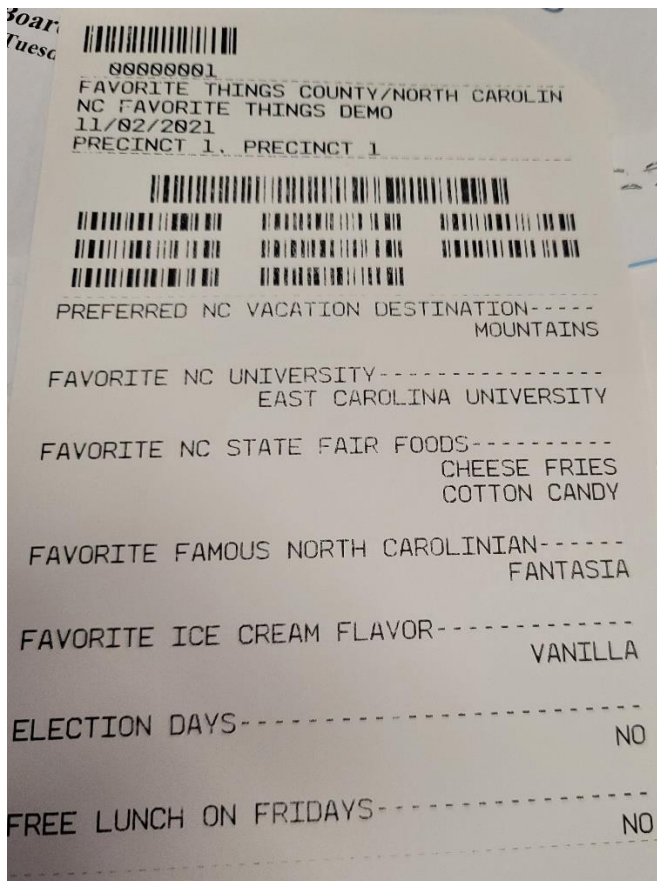
An observer raised a question about whether and how the Vote Express machines would print the precinct number on the ballots they generate. Mr. Quinn deferred the question to Michelle, the former staffer who now works for the company that sells the machines. She explained that doing so would require some new lines of code to insert the data. Her company has asked Election Systems and Software (ESS), the supplier of the tabulation machines to provide this code in the next set of software updates.

Mr. Quinn said the goal is to have the Express Vote machine in each early voting site for the primary in 2024 and will be used by all voters. The Express Vote machines will be used on election day for ADA compliance as they have been in the past. He stressed that the Express Vote and the DS 200 tabulator have both been certified by the NC State Board of Elections who work closely with federal officials on such matters.

An observer asked what alternatives for transferring the precinct number were investigated before selecting Express Vote machines. Ms. Duncan replied that there is no equivalent system to the ballot on demand machines they have been using but which are now at the end of their useful life. Moreover, staff had examined a range of alternatives, including having staff and/or poll workers transfer the numbers.

An observer raised a concern about whether the ballots printed out by the Express Vote machines and can reach a length of 21 inches can be tabulated by the DS200 and securely stored by the Board of Elections. Ms. Duncan replied that ballots may already be 21 inches long, so the DS200 and staff can tabulate and securely store them.

Another observer raised a concern that the Express Vote issues only a paper ballot printed with dots rather than the names of candidates. He also referred to them as touch screen voting machines. Mr. Quinn said that the county did not intend to use them as touch screen voting machines but rather to produce a paper ballot that is placed into the tabulator like any other ballot. He also reported that the ballot produced by the Express Vote machines is a printed record of the voter's intent and contains the names of the candidates that were selected. He further noted that the names are required for the Board to complete its post-election audit responsibilities. The vendor provided a sample printout from the machine that was given for the observers to review as shown below. Voters can confirm that their selections by inserting the ballot into a different machine and reading the screen.



The observer continued that when he worked at the polls in the last election he didn't see anyone use the machines and heard poll workers express gratitude that they had not had to help anyone use them. Mr. Quinn replied that because the machines will be the only ones in use during early voting for the primary, poll workers would be trained on them and the county elections staff will engage in significant outreach to help educate voters on how to use them as well.

Mr. Aceto continued that the ballot on demand machines the county now uses are breaking down and cannot be repaired. During early voting when voters can vote at any location, every site has to have every ballot and style available for voters, which results in a considerable number of ballots. In contrast on election day, each person must vote in their precinct where the proper ballots are available. Mistakes by poll workers can result in voters at early voting sites voting an incorrect ballot, which may not contain all the offices the voter is eligible to vote for. Also voters marking paper ballots can mistakenly "overvote" for a given office (i.e. voting for two candidates when only one can be legitimately selected), when they accidentally make a mark on the ballot which the tabulator interprets as an overvote rather than a random mark. Because people must review every ballot to correct such mistakes, the machine marking should increase efficiency and accuracy of the vote tallies.

Ms. Block noted that voters have 3 choices for casting their ballots: by mail, during early voting, or on election day. If a person does not want to use Express Vote, they do not have to.

Mr. Quinn noted that other jurisdictions, such as Mecklenburg County, currently use Vote Express and the machines have been certified by the state for use in the counties. So, Buncombe County is not “blazing a trail” in adopting these machines. Moreover, the Board hopes that voters will be comfortable using them following outreach by the County.

An observer again returned to the issue of transferring the Early Voting Application number to the Express Vote ballot. Ms. Duncan said that is their greatest concern as well but not so great as to avoid replacing the increasingly unreliable ballot on demand method they are using now. She reported that ESS may provide an update on the software fix at a meeting this coming week. That fix is a priority for the Board and for the staff.

Mr. Aceto and Ms. Block reviewed a copy of an article passed to them by observers concerned about the machines. Mr. Aceto said that the presentations he and Ms. Block have seen addressed each of the concerns raised in the article to their satisfaction and that any remaining concerns were not sufficient to alter the decision to adopt the machines.

Michelle, the vendor representative, said that some groups have expressed concerns that ESS has not been transparent in providing data but noted that some of the data or reviews mentioned by the groups involved either proprietary data/trade secrets or compromised the integrity of the machines by allowing unauthorized users to access components such as the mother board.

In addition, she noted that groups had said the machines are not made in the US. She clarified that the components are made outside of the US but assembled in Omaha, NE in a factory that is monitored by federal officials and subject to unannounced audits.

Mr. Quinn moved to adopt the use of Express Vote machines for Early Voting and to forward the recommendation to the County Commissioners who must review any changes to election procedures. The motion was seconded and unanimously approved in a roll call vote.

* ESS Express Vote is a ballot marking device that combines touchscreen voting with an integrated thermal printer. The Express Vote can be deployed in one of two configurations: either as a marking device only, or as a marking device combined with additional integrated scanning and tabulation capabilities. When configured exclusively as a ballot marking device (which is how most jurisdictions deploy it), Express Vote does not have scanning or tabulating capabilities. Accordingly, after reviewing choices and printing the summary card, the voter must insert it into a separate ES&S scanning tabulator to cast the vote. The scanner most commonly used with Express Vote is the ES&S DS200.

Budget Review

Ms. Duncan passed out updated copies of the budget numbers and Mr. Quinn asked that the Board focus its discussions on numbers than had changed since the last meeting.

Ms. Duncan reported that biggest change in the amended budget is contracted services. That number has been reduced in the amended budget because of the history of not spending the budgeted amount. Consistently the office has not spent its full allotment because they are often unable to hire as many elections workers as they would like, particularly during early voting. Other budget items were simply moved in response to a request from the Budget Director.

Mr. Quinn asked whether the staff had the flexibility to cover costs if they were able to hire as many people as they would like. Ms. Duncan said she has added the additional amount that may be needed to the county's contingency budget, and that the Commissioners and County management were always very supportive of the office and would work with them to provide the funds if they actually hired as many people as they would like to have.

Ms. Duncan noted that the reductions were achieved, while maintaining coverage, by extending and overlapping shifts during early voting. She illustrated the differences in the 2022 and 2023 requests. Specifically,

2022 contracted services request: \$923,000
2022 contracted services spent: \$632,000

2023 contracted services request: \$1,100,000
2023 contracted services amended: \$ 943,000

Mr. Shults asked whether additional elections staff would be needed because of the new Express Vote machines. Ms. Duncan said she thought that greeters could absorb the additional need to demonstrate the machines.

An observer asked whether Buncombe County has received any funds from Zucker.org (this may be a reference to Mark Zuckerberg's organization that provided grants to 2 NC counties in 2020 but it was not clear). The answer was no.

In a follow-up question the observer asked whether any funds from that organization were received in 2020. The answer was less clear although seemed to indicate no.

Mr. Quinn moved that the amended budget be approved by the Board and forwarded up the budget chain for further review. The motion was seconded and approved unanimously following a roll call vote.

Next Meeting Date: February 28 at 4:30

Location: 59 Woodfin Place

Meeting adjourned at 5:37 pm